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**HOUSE BILL 1371**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Taylor, Shea, G. Hunt, Young, Griffey, Scott, Condotta, and Wilson

AN ACT Relating to administrative procedures to promote accountability and economic relief; amending RCW 34.05.310, 34.05.313, 34.05.320, 34.05.570, 28A.300.040, 41.50.050, 43.06A.030, 43.19.011, 43.21A.064, 43.24.016, 43.27A.090, 43.30.215, 43.31C.060, 43.33.040, 43.33A.110, 43.59.070, 43.61.040, 43.63A.475, 43.70.580, 43.101.085, 43.115.040, 43.117.050, 43.155.040, 43.160.050, 43.163.100, 43.180.040, 43.200.070, 43.210.060, 43.250.090, 43.320.040, 43.330.040, 47.01.071, 48.02.060, 48.44.050, 48.46.200, 66.08.0501, 77.04.055, 80.01.040, 70.94.181, 76.09.060, 77.55.021, 78.44.081, 86.16.025, 70.95.205, 15.54.820, 43.21C.033, 77.115.040, 16.65.030, 70.119A.110, 90.03.350, 90.03.370, 90.58.140, 70.118B.030, and 36.70B.030; reenacting and amending RCW 34.05.328; adding new sections to chapter 34.05 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 79.02 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.76 RCW; adding a new section to chapter 18.104 RCW; adding a new section to chapter 69.30 RCW; adding a new section to chapter 90.64 RCW; adding a new section to chapter 15.58 RCW; adding a new section to chapter 17.21 RCW; adding a new section to chapter 70.95J RCW; adding a new section to chapter 90.66 RCW; adding new sections to chapter 36.70A RCW; adding a new section to chapter 43.21H RCW; adding a new chapter to Title 1 RCW; adding a new chapter to Title 36 RCW; adding a new chapter to Title 34 RCW; creating new sections; prescribing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 34.05 RCW to read as follows:

This act may be known and cited as the regulatory freedom and accountability act.

**PART I**

NEW SECTION. **Sec.**  A new section is added to chapter 34.05 RCW to read as follows:

The legislature finds that Washington families, workers, and employers continue to struggle to make ends meet. As families and employers have streamlined their budgets and services, so should state government. Government continues to increase the burden on citizens and employers through perpetual alteration and expansion of rules. During 2012, an estimated 1,129 new sections to the Washington Administrative Code were permanently adopted, 2,211 sections were permanently amended, 393 emergency rule filings were made, and 961 sections were permanently repealed. A total of 5,511 pages of permanent rule changes were made and 2,398 pages of emergency rules were adopted. The constant changing of rules provides uncertainty to citizens and employers and adds additional costs to taxpayers as agencies hold public meetings and telephone conferences, and employees spend untold hours working on drafts for rules. Furthermore, continual proposal of new rules distracts employers from being productive in their respective enterprises due to a need to comment against these proposed rules. Most agencies do not track the number of hours employees spend on rule making nor do they track the cost to the agency to do this task. One way to reduce millions of dollars in employee and administrative costs is to impose a moratorium on formal and informal rule making by state agencies except in certain specified instances. This moratorium is to last for three years or until the state is no longer facing financial deficits.

NEW SECTION. **Sec.**  A new section is added to chapter 34.05 RCW to read as follows:

(1) Agency rule making is suspended until the later of July 1, 2018, or such time as the economic and revenue forecast council reports for three consecutive quarters that state revenue collections have increased above the official forecast adopted pursuant to RCW 82.33.010 on or before February 20th in an even-numbered year or March 20th in an odd-numbered year, except in the following cases:

(a) A rule is needed to implement a federal law and the rule is not more stringent than federal law;

(b) A rule is needed to implement the terms of a governor-declared state of emergency;

(c) A rule is needed by the department of health to respond to a public health emergency;

(d) A rule is needed to set the times for the taking of wildlife, fish, or shellfish pursuant to RCW 77.12.047(1) or 77.04.055(2); or

(e) Legislation enacted after January 1, 2013, specifically directs that rule making be undertaken. Rules adopted under this subsection (1)(e) must be approved by the legislature in the ensuing legislative session before the rule may take effect.

(2) This section does not prohibit an agency from repealing rules.

**Sec.**  RCW 34.05.310 and 2011 c 298 s 20 are each amended to read as follows:

(1) The provisions of this section are subject to section 102 of this act.

(2)(a) To meet the intent of providing greater public access to administrative rule making and to promote consensus among interested parties, agencies must solicit comments from the public on a subject of possible rule making before filing with the code reviser a notice of proposed rule making under RCW 34.05.320. The agency must prepare a statement of inquiry that:

(i) Identifies the specific statute or statutes authorizing the agency to adopt rules on this subject;

(ii) Discusses why rules on this subject may be needed and what they might accomplish;

(iii) Identifies other federal and state agencies that regulate this subject, and describes the process whereby the agency would coordinate the contemplated rule with these agencies;

(iv) Discusses the process by which the rule might be developed, including, but not limited to, negotiated rule making, pilot rule making, or agency study;

(v) Specifies the process by which interested parties can effectively participate in the decision to adopt a new rule and formulation of a proposed rule before its publication.

(b) The statement of inquiry must be filed with the code reviser for publication in the state register at least thirty days before the date the agency files notice of proposed rule making under RCW 34.05.320 and the statement, or a summary of the information contained in that statement, must be sent to any party that has requested receipt of the agency's statements of inquiry.

((~~(2)~~))(3) Agencies are encouraged to develop and use new procedures for reaching agreement among interested parties before publication of notice and the adoption hearing on a proposed rule. Examples of new procedures include, but are not limited to:

(a) Negotiated rule making by which representatives of an agency and of the interests that are affected by a subject of rule making, including, where appropriate, county and city representatives, seek to reach consensus on the terms of the proposed rule and on the process by which it is negotiated; and

(b) Pilot rule making which includes testing the feasibility of complying with or administering draft new rules or draft amendments to existing rules through the use of volunteer pilot groups in various areas and circumstances, as provided in RCW 34.05.313 or as otherwise provided by the agency.

((~~(3)~~))(4)(a) An agency must make a determination whether negotiated rule making, pilot rule making, or another process for generating participation from interested parties prior to development of the rule is appropriate.

(b) An agency must include a written justification in the rule-making file if an opportunity for interested parties to participate in the rule-making process prior to publication of the proposed rule has not been provided.

((~~(4)~~))(5) This section does not apply to:

(a) Emergency rules adopted under RCW 34.05.350;

(b) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;

(c) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

(d) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

(e) Rules the content of which is explicitly and specifically dictated by statute;

(f) Rules that set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045; or

(g) Rules that adopt, amend, or repeal:

(i) A procedure, practice, or requirement relating to agency hearings; or

(ii) A filing or related process requirement for applying to an agency for a license or permit.

**Sec.**  RCW 34.05.313 and 1995 c 403 s 303 are each amended to read as follows:

(1) The provisions of this section are subject to section 102 of this act.

(2) During the development of a rule or after its adoption, an agency may develop methods for measuring or testing the feasibility of complying with or administering the rule and for identifying simple, efficient, and economical alternatives for achieving the goal of the rule. A pilot project shall include public notice, participation by volunteers who are or will be subject to the rule, a high level of involvement from agency management, reasonable completion dates, and a process by which one or more parties may withdraw from the process or the process may be terminated. Volunteers who agree to test a rule and attempt to meet the requirements of the draft rule, to report periodically to the proposing agency on the extent of their ability to meet the requirements of the draft rule, and to make recommendations for improving the draft rule shall not be obligated to comply fully with the rule being tested nor be subject to any enforcement action or other sanction for failing to comply with the requirements of the draft rule.

((~~(2)~~))(3) An agency conducting a pilot rule project authorized under subsection ((~~(1)~~))(2) of this section may waive one or more provisions of agency rules otherwise applicable to participants in such a pilot project if the agency first determines that such a waiver is in the public interest and necessary to conduct the project. Such a waiver may be only for a stated period of time, not to exceed the duration of the project.

((~~(3)~~))(4) The findings of the pilot project should be widely shared and, where appropriate, adopted as amendments to the rule.

((~~(4)~~))(5) If an agency conducts a pilot rule project in lieu of meeting the requirements of the regulatory fairness act, chapter 19.85 RCW, the agency shall ensure the following conditions are met:

(a) If over ten small businesses are affected, there shall be at least ten small businesses in the test group and at least one-half of the volunteers participating in the pilot test group shall be small businesses.

(b)(i) If there are at least one hundred businesses affected, the participation by small businesses in the test group shall be as follows:

(A) Not less than twenty percent of the small businesses must employ twenty-six to fifty employees;

(B) Not less than twenty percent of the small businesses must employ eleven to twenty-six employees; and

(C) Not less than twenty percent of the small businesses must employ zero to ten employees.

(ii) If there do not exist a sufficient number of small businesses in each size category set forth in (b)(i) of this subsection willing to participate in the pilot project to meet the minimum requirements of that subsection, then the agency must comply with this section to the maximum extent practicable.

(c) The agency may not terminate the pilot project before completion.

(d) Before filing the notice of proposed rule making pursuant to RCW 34.05.320, the agency must prepare a report of the pilot rule project that includes:

(i) A description of the difficulties small businesses had in complying with the pilot rule;

(ii) A list of the recommended revisions to the rule to make compliance with the rule easier or to reduce the cost of compliance with the rule by the small businesses participating in the pilot rule project;

(iii) A written statement explaining the options it considered to resolve each of the difficulties described and a statement explaining its reasons for not including a recommendation by the pilot test group to revise the rule; and

(iv) If the agency was unable to meet the requirements set forth in (b)(i) of this subsection, a written explanation of why it was unable to do so and the steps the agency took to include small businesses in the pilot project.

**Sec.**  RCW 34.05.320 and 2012 c 210 s 2 are each amended to read as follows:

(1) The provisions of this section are subject to section 102 of this act.

(2) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

(a) A title, a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;

(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;

(c) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make, and a statement of the reasons supporting the proposed action;

(d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(e) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(g) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a citation to such law or court decision;

(h) When, where, and how persons may present their views on the proposed rule;

(i) The date on which the agency intends to adopt the rule;

(j) A copy of the small business economic impact statement prepared under chapter 19.85 RCW, or a copy of the school district fiscal impact statement under RCW 28A.305.135 in the case of the state board of education, or an explanation for why the agency did not prepare the statement;

(k) A statement indicating whether RCW 34.05.328 applies to the rule adoption; and

(l) If RCW 34.05.328 does apply, a statement indicating that a copy of the preliminary cost-benefit analysis described in RCW 34.05.328((~~(1)~~))(2)(c) is available.

((~~(2)~~))(3)(a) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the notice on file and available for public inspection. Except as provided in (b) of this subsection, the agency shall forward three copies of the notice to the rules review committee.

(b) A pilot of at least ten agencies, including the departments of labor and industries, fish and wildlife, revenue, ecology, retirement systems, and health, shall file the copies required under this subsection, as well as under RCW 34.05.350 and 34.05.353, with the rules review committee electronically for a period of four years from June 10, 2004. The office of regulatory assistance shall negotiate the details of the pilot among the agencies, the legislature, and the code reviser.

((~~(3)~~))(4) No later than three days after its publication in the state register, the agency shall cause either a copy of the notice of proposed rule adoption, or a summary of the information contained on the notice, to be mailed to each person, city, and county that has made a request to the agency for a mailed copy of such notices. An agency may charge for the actual cost of providing a requesting party mailed copies of these notices.

((~~(4)~~))(5) In addition to the notice required by subsections ((~~(1) and~~)) (2) and (3) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution at least seven days before the rule-making hearing.

**Sec.**  RCW 34.05.328 and 2011 c 298 s 21 and 2011 c 149 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section are subject to section 102 of this act.

(2) Before adopting a rule described in subsection ((~~(5)~~))(7) of this section, an agency must:

(a) Clearly state in detail the general goals and specific objectives of the statute that the rule implements;

(b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule;

(c) Provide notification in the notice of proposed rule making under RCW 34.05.320 that a preliminary cost-benefit analysis is available. The preliminary cost-benefit analysis must fulfill the requirements of the cost-benefit analysis under (d) of this subsection. If the agency files a supplemental notice under RCW 34.05.340, the supplemental notice must include notification that a revised preliminary cost-benefit analysis is available. A final cost-benefit analysis must be available when the rule is adopted under RCW 34.05.360;

(d) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented;

(e) Determine, after considering alternative versions of the rule and the analysis required under (b), (c), and (d) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under (a) of this subsection;

(f) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law;

(g) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law;

(h) Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following:

(i) A state statute that explicitly allows the agency to differ from federal standards; or

(ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under (a) of this subsection; ((~~and~~))

(i) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter; and

(j) Receive the governor's signature on the final rule.

((~~(2)~~))(3) In making its determinations pursuant to subsection ((~~(1)~~))(2)(b) through (h) of this section, the agency must place in the rule-making file documentation of sufficient quantity and quality so as to persuade a reasonable person that the determinations are justified.

((~~(3)~~))(4) Before adopting rules described in subsection ((~~(5)~~))(7) of this section, an agency must place in the rule-making file a rule implementation plan for rules filed under each adopting order. The plan must describe how the agency intends to:

(a) Implement and enforce the rule, including a description of the resources the agency intends to use;

(b) Inform and educate affected persons about the rule;

(c) Promote and assist voluntary compliance; and

(d) Evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes.

((~~(4)~~))(5) The adoption of rules described in subsection (7) of this section must be made before December 1st of any year, and the rules may not take effect before the end of the regular legislative session in the next year.

(6) After adopting a rule described in subsection ((~~(5)~~))(7) of this section regulating the same activity or subject matter as another provision of federal or state law, an agency must do all of the following:

(a) Coordinate implementation and enforcement of the rule with the other federal and state entities regulating the same activity or subject matter by making every effort to do one or more of the following:

(i) Deferring to the other entity;

(ii) Designating a lead agency; or

(iii) Entering into an agreement with the other entities specifying how the agency and entities will coordinate implementation and enforcement.

If the agency is unable to comply with this subsection ((~~(4)~~))(6)(a), the agency must report to the legislature pursuant to (b) of this subsection;

(b) Report to the joint administrative rules review committee:

(i) The existence of any overlap or duplication of other federal or state laws, any differences from federal law, and any known overlap, duplication, or conflict with local laws; and

(ii) Make recommendations for any legislation that may be necessary to eliminate or mitigate any adverse effects of such overlap, duplication, or difference.

((~~(5)~~))(7)(a) Except as provided in (b) of this subsection, this section applies to:

(i) Significant legislative rules of the departments of ecology, labor and industries, health, revenue, social and health services, and natural resources, the employment security department, the forest practices board, the office of the insurance commissioner, and to the legislative rules of the department of fish and wildlife implementing chapter 77.55 RCW; and

(ii) Any rule of any agency, if this section is voluntarily made applicable to the rule by the agency, or is made applicable to the rule by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320.

(b) This section does not apply to:

(i) Emergency rules adopted under RCW 34.05.350;

(ii) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;

(iii) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

(iv) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

(v) Rules the content of which is explicitly and specifically dictated by statute;

(vi) Rules that set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045;

(vii) Rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents; or

(viii) Rules of the department of revenue that adopt a uniform expiration date for reseller permits as authorized in RCW 82.32.780 and 82.32.783.

(c) For purposes of this subsection:

(i) A "procedural rule" is a rule that adopts, amends, or repeals (A) any procedure, practice, or requirement relating to any agency hearings; (B) any filing or related process requirement for making application to an agency for a license or permit; or (C) any policy statement pertaining to the consistent internal operations of an agency.

(ii) An "interpretive rule" is a rule, the violation of which does not subject a person to a penalty or sanction, that sets forth the agency's interpretation of statutory provisions it administers.

(iii) A "significant legislative rule" is a rule other than a procedural or interpretive rule that (A) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (C) adopts a new, or makes significant amendments to, a policy or regulatory program.

(d) In the notice of proposed rule making under RCW 34.05.320, an agency must state whether this section applies to the proposed rule pursuant to (a)(i) of this subsection, or if the agency will apply this section voluntarily.

((~~(6)~~))(8) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of regulatory assistance, after consulting with state agencies, counties, and cities, and business, labor, and environmental organizations, must report to the governor and the legislature regarding the effects of this section on the regulatory system in this state. The report must document:

(a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule, if any, that the agency ultimately adopted;

(b) The costs incurred by state agencies in complying with this section;

(c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result;

(d) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission;

(e) The extent to which this section has improved the acceptability of state rules to those regulated; and

(f) Any other information considered by the office of financial management to be useful in evaluating the effect of this section.

**PART II**

NEW SECTION. **Sec.**  The legislature finds that many citizens, employers, and local governments are struggling with nonemergency regulatory burdens resulting in the loss of time, resources, employees, and the ability to create job growth. At a time when state agencies should be looking for ways to reduce the negative impacts of nonemergency rules, they continue to produce a flow of new and unnecessary changes to the Washington Administrative Code that are stunting economic recovery in Washington state.

The citizens of Washington state elect state lawmakers to represent them and, in turn, hold them accountable for their actions and the outcomes of state government. If state agencies are placing costly nonemergency regulatory burdens on citizens, it is the duty of state lawmakers to address these problems directly within the legislative process.

State agencies currently must provide economic impact statements in a select few instances under the regulatory fairness act. In 2012, an estimated forty-one statements were filed with the code reviser's office despite the fact that there were thousands of changes to rules. The system is set up so that even if there are economic and time burdens placed on citizens, employers, or local governments, state agencies may still go forward and enact the rules. This is detrimental to the economic growth of Washington state.

The legislature intends to prevent regulatory bodies from having the authority to place costly burdens on citizens, employers, and local governments that will further damage Washington state's economy.

NEW SECTION. **Sec.**  A new section is added to chapter 34.05 RCW to read as follows:

(1) Before adoption of a rule, an agency must determine whether compliance with the rule will result in a specified economic impact. If the agency determines that a rule will result in a specified economic impact, the agency must provide notification and may not enforce the rule until the rule is enacted into law by the legislature.

(2) Not later than one hundred eighty days after the effective date of this section, and annually thereafter, each agency shall determine whether any of its rules has resulted in a specified economic impact in the preceding year. If such a determination is made, the agency must provide notification, and may no longer enforce the rule until the rule is enacted into law by the legislature.

(3)(a) For purposes of this section, "provide notification" means transmit the proposed or existing rule determined to result in a specified economic impact and the findings supporting such a determination, including relevant public comments in the case of a proposed rule, to the code reviser for publication in the state register and to the appropriate committees of the senate and the house of representatives.

(b) For purposes of this section, "specified economic impact" means any of the following:

(i) Costs to any individual of one thousand dollars or more in a year; or

(ii) Costs to any business, partnership, corporation, association, or public or private organization, but not including state government, of five thousand dollars or more in a year.

(4) Any person may commence an action in the superior court either for an injunction or writ of mandamus for compliance of this section.

**PART III**

NEW SECTION. **Sec.**  The legislature finds that there have been instances where regulatory agencies discovered actions by a regulated entity that are in error after reports have been accepted and approved or inspections have been conducted and approved. Retroactively applying fines after governmental approval creates an unfriendly business environment and can place unexpected financial burdens on businesses. Businesses should be able to rely on government approval and acceptance of reports and inspections and not risk penalties when mistakes are made by government personnel or contractors. It is the intent of the legislature that regulated parties who have received acceptance and approval by the regulating government authority should not be subsequently fined or penalized, but should be encouraged to correct action that is deemed in error or violates reporting or inspection requirements during the next reporting period. The regulating authority should notify the regulated party of the violation to prevent future violations.

NEW SECTION. **Sec.**  A new section is added to chapter 34.05 RCW to read as follows:

(1) An agency may not issue a fine or impose a penalty on a person if:

(a) An inspection is approved by an official of the agency requiring the inspection and a subsequent reevaluation of the approved inspection by the regulating agency identifies a violation by the regulated party; or

(b) Documentation required under an agency's reporting requirements is submitted to the agency by a regulated party and is accepted and approved by the regulating agency and a subsequent reevaluation of the approved documentation identifies a violation based on failure to provide required documentation or information.

(2) A rule adopted under this chapter may not authorize the imposition of a civil fine on a person based on the following circumstances if:

(a) An inspection is approved by an official of the agency requiring the inspection and a subsequent reevaluation of the approved inspection by the regulating agency identifies a violation by the regulated party; or

(b) Documentation required under an agency's reporting requirements is submitted to the agency by a regulated party and is accepted and approved by the regulating agency and a subsequent reevaluation of the approved documentation identifies a violation based on failure to provide required documentation or information.

(3) Violations identified after an inspection or documentation has been approved may be remedied through technical assistance provided to the regulated party allowing correction of the circumstances of the violation for future reporting periods or inspections.

**PART IV**

**Sec.**  RCW 34.05.570 and 2004 c 30 s 1 are each amended to read as follows:

(1) Generally. Except to the extent that this chapter or another statute provides otherwise:

(a) The burden of demonstrating the invalidity of agency action is on the party asserting invalidity;

(b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken;

(c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and

(d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.

(2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to this subsection or in the context of any other review proceeding under this section. In an action challenging the validity of a rule, the agency shall be made a party to the proceeding.

(b)(i) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

(ii) ((~~From June 10, 2004, until July 1, 2008:~~))

(A) If the petitioner's residence or principal place of business is within the geographical boundaries of the third division of the court of appeals as defined by RCW 2.06.020(3), the petition may be filed in the superior court of Spokane, Yakima, or Thurston county; and

(B) If the petitioner's residence or principal place of business is within the geographical boundaries of district three of the first division of the court of appeals as defined by RCW 2.06.020(1), the petition may be filed in the superior court of Whatcom or Thurston county.

(c) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: The rule violates constitutional provisions; the rule exceeds the statutory authority of the agency; the rule was adopted without compliance with statutory rule-making procedures; or the rule is arbitrary and capricious. For purposes of this subsection, in determining whether a rule exceeds the agency's statutory authority, the court must also consider whether the rule exceeds the limited delegation under section 437 of this act.

(3) Review of agency orders in adjudicative proceedings. The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that:

(a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied;

(b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law;

(c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure;

(d) The agency has erroneously interpreted or applied the law;

(e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter;

(f) The agency has not decided all issues requiring resolution by the agency;

(g) A motion for disqualification under RCW 34.05.425 or 34.12.050 was made and was improperly denied or, if no motion was made, facts are shown to support the grant of such a motion that were not known and were not reasonably discoverable by the challenging party at the appropriate time for making such a motion;

(h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; or

(i) The order is arbitrary or capricious.

(4) Review of other agency action.

(a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection.

(b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to RCW 34.05.514, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to RCW 34.05.562, on material issues of fact raised by the petition and answer.

(c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is:

(i) Unconstitutional;

(ii) Outside the statutory authority of the agency or the authority conferred by a provision of law;

(iii) Arbitrary or capricious; or

(iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action.

**Sec.**  RCW 28A.300.040 and 2011 1st sp.s. c 43 s 302 are each amended to read as follows:

(1) In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

((~~(1)~~))(a) To have supervision over all matters pertaining to the public schools of the state;

((~~(2)~~))(b) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

((~~(3)~~))(c) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

((~~(4)~~))(d) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

((~~(5)~~))(e) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be made available online and which shall be sold at approximate actual cost of publication and distribution per volume to public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine;

((~~(6)~~))(f) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

((~~(7)~~))(g) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

((~~(8)~~))(h) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

((~~(9)~~))(i) To issue certificates as provided by law;

((~~(10)~~))(j) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

((~~(11)~~))(k) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

((~~(12)~~))(l) To administer oaths and affirmations in the discharge of the superintendent's official duties;

((~~(13)~~))(m) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

((~~(14)~~))(n) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

((~~(15)~~))(o) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

((~~(16)~~))(p) To perform such other duties as may be required by law.

(2) For rules adopted under the provisions of this chapter after August 1, 2015, the superintendent of public instruction may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the office of the superintendent of public instruction.

**Sec.**  RCW 41.50.050 and 1995 c 239 s 317 are each amended to read as follows:

The director shall:

(1) Have the authority to organize the department into not more than four divisions, each headed by an assistant director;

(2) Have free access to all files and records of various funds assigned to the department and inspect and audit the files and records as deemed necessary;

(3) Employ personnel to carry out the general administration of the department;

(4) Submit an annual written report of the activities of the department to the governor and the chairs of the appropriate legislative committees with one copy to the staff of each of the committees, including recommendations for statutory changes the director believes to be desirable;

(5) Adopt ((~~such~~)) rules ((~~and regulations~~)) as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34.05 RCW. For rules adopted under the provisions of this chapter after August 1, 2015, the director may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department.

**Sec.**  RCW 43.06A.030 and 2013 c 23 s 73 are each amended to read as follows:

The ombuds shall perform the following duties:

(1) Provide information as appropriate on the rights and responsibilities of individuals receiving family and children's services, and on the procedures for providing these services;

(2) Investigate, upon his or her own initiative or upon receipt of a complaint, an administrative act alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds; however, the ombuds may decline to investigate any complaint as provided by rules adopted under this chapter;

(3) Monitor the procedures as established, implemented, and practiced by the department to carry out its responsibilities in delivering family and children's services with a view toward appropriate preservation of families and ensuring children's health and safety;

(4) Review periodically the facilities and procedures of state institutions serving children, and state-licensed facilities or residences;

(5) Recommend changes in the procedures for addressing the needs of families and children;

(6) Submit annually to the committee and to the governor by November 1st a report analyzing the work of the office, including recommendations;

(7) Grant the committee access to all relevant records in the possession of the ombuds unless prohibited by law; and

(8) Adopt rules necessary to implement this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the ombuds may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the office of the ombuds.

NEW SECTION. **Sec.**  A new section is added to chapter 43.17 RCW to read as follows:

For rules adopted under the provisions of this chapter after August 1, 2015, the director of each department may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing each department.

**Sec.**  RCW 43.19.011 and 2011 1st sp.s. c 43 s 201 are each amended to read as follows:

(1) The director of enterprise services shall supervise and administer the activities of the department of enterprise services and shall advise the governor and the legislature with respect to matters under the jurisdiction of the department.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(b) Accept and expend gifts and grants that are related to the purposes of this chapter, whether such grants be of federal or other funds;

(c) Appoint deputy and assistant directors and such other special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

(d) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the director may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department;

(e) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department;

(f) Apply for grants from public and private entities, and receive and administer any grant funding received for the purpose and intent of this chapter; and

(g) Perform other duties as are necessary and consistent with law.

(3) The director may establish additional advisory groups as may be necessary to carry out the purposes of this chapter.

**Sec.**  RCW 43.21A.064 and 1997 c 443 s 2 are each amended to read as follows:

Subject to RCW 43.21A.068, the director of the department of ecology shall have the following powers and duties:

(1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

(2) Insofar as may be necessary to ((~~assure~~))ensure safety to life or property, the director shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property;

(3) The director shall regulate and control the diversion of water in accordance with the rights thereto;

(4) The director shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

(5) The director shall, if requested, provide assistance to an applicant for a water right in obtaining or developing an adequate and appropriate supply of water consistent with the land use permitted for the area in which the water is to be used and the population forecast for the area under RCW 43.62.035. If the applicant is a public water supply system, the supply being sought must be used in a manner consistent with applicable land use, watershed and water system plans, and the population forecast for that area provided under RCW 43.62.035;

(6) The director shall keep such records as may be necessary for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. The director shall keep a seal of the office, and all certificates covering any of the director's acts or the acts of the director's office, or the records and files of that office, under such seal, shall be taken as evidence thereof in all courts;

(7) The director shall render when required by the governor, a full written report of the office's work with such recommendations for legislation as the director deems advisable for the better control and development of the water resources of the state;

(8) The director and duly authorized deputies may administer oaths;

(9) The director shall establish and ((~~promulgate~~))adopt rules governing the administration of chapter 90.03 RCW. For rules adopted under the provisions of this chapter after August 1, 2015, the director may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department;

(10) The director shall perform such other duties as may be prescribed by law.

**Sec.**  RCW 43.24.016 and 1999 c 240 s 4 are each amended to read as follows:

(1) The director of licensing shall supervise and administer the activities of the department of licensing and shall advise the governor and the legislature with respect to matters under the jurisdiction of the department.

(2) In addition to other powers and duties granted to the director, the director has the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the responsibilities of the department;

(b) Accept and expend gifts and grants, whether such grants be of federal or other funds;

(c) Appoint a deputy director and such assistant directors, special assistants, and administrators as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

(d) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary to carry out the responsibilities of the department. For rules adopted under the provisions of this chapter after August 1, 2015, the director may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department;

(e) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director is responsible for the official acts of the officers and employees of the department; and

(f) Perform other duties as are necessary and consistent with law.

(3) The director may establish advisory groups as may be necessary to carry out the responsibilities of the department.

(4) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

**Sec.**  RCW 43.27A.090 and 1988 c 127 s 25 are each amended to read as follows:

The department shall be empowered as follows:

(1) To represent the state at, and fully participate in, the activities of any basin or regional commission, interagency committee, or any other joint interstate or federal-state agency, committee or commission, or publicly financed entity engaged in the planning, development, administration, management, conservation or preservation of the water resources of the state.

(2) To prepare the views and recommendations of the state of Washington on any project, plan or program relating to the planning, development, administration, management, conservation and preservation of any waters located in or affecting the state of Washington, including any federal permit or license proposal, and appear on behalf of, and present views and recommendations of the state at any proceeding, negotiation or hearing conducted by the federal government, interstate agency, state or other agency.

(3) To cooperate with, assist, advise and coordinate plans with the federal government and its officers and agencies, and serve as a state liaison agency with the federal government in matters relating to the use, conservation, preservation, quality, disposal or control of water and activities related thereto.

(4) To cooperate with appropriate agencies of the federal government and/or agencies of other states, to enter into contracts, and to make appropriate contributions to federal or interstate projects and programs and governmental bodies to carry out the provisions of this chapter.

(5) To apply for, accept, administer and expend grants, gifts and loans from the federal government or any other entity to carry out the purposes of this chapter and make contracts and do such other acts as are necessary insofar as they are not inconsistent with other provisions hereof.

(6) To develop and maintain a coordinated and comprehensive state water and water resources related development plan, and adopt, with regard to such plan, such policies as are necessary to ((~~insure~~))ensure that the waters of the state are used, conserved and preserved for the best interest of the state. There shall be included in the state plan a description of developmental objectives and a statement of the recommended means of accomplishing these objectives. To the extent the director deems desirable, the plan shall integrate into the state plan, the plans, programs, reports, research and studies of other state agencies.

(7) To assemble and correlate information relating to water supply, power development, irrigation, watersheds, water use, future possibilities of water use and prospective demands for all purposes served through or affected by water resources development.

(8) To assemble and correlate state, local and federal laws, regulations, plans, programs and policies affecting the beneficial use, disposal, pollution, control or conservation of water, river basin development, flood prevention, parks, reservations, forests, wildlife refuges, drainage and sanitary systems, waste disposal, waterworks, watershed protection and development, soil conservation, power facilities and area and municipal water supply needs, and recommend suitable legislation or other action to the legislature, the congress of the United States, or any city, municipality, or to responsible state, local or federal executive departments or agencies.

(9) To cooperate with federal, state, regional, interstate and local public and private agencies in the making of plans for drainage, flood control, use, conservation, allocation and distribution of existing water supplies and the development of new water resource projects.

(10) To encourage, assist and advise regional, and city and municipal agencies, officials or bodies responsible for planning in relation to water aspects of their programs, and coordinate local water resources activities, programs, and plans.

(11) To ((~~promulgate such~~))adopt rules ((~~and regulations~~)) as are necessary to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the department may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department.

(12) To hold public hearings, and make such investigations, studies and surveys as are necessary to carry out the purposes of the chapter.

(13) To subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and require the production of any books or papers when the department deems such measures necessary in the exercise of its rule-making power or in determining whether or not any license, certificate, or permit shall be granted or extended.

**Sec.**  RCW 43.30.215 and 2011 c 355 s 1 are each amended to read as follows:

The board shall:

(1) Perform duties relating to appraisal, appeal, approval, and hearing functions as provided by law;

(2) Establish policies to ensure that the acquisition, management, and disposition of all lands and resources within the department's jurisdiction are based on sound principles designed to achieve the maximum effective development and use of such lands and resources consistent with laws applicable thereto;

(3) Constitute the board of appraisers provided for in Article 16, section 2 of the state Constitution;

(4) Constitute the commission on harbor lines provided for in Article 15, section 1 of the state Constitution as amended;

(5) Constitute the board on geographic names as provided for in RCW 43.30.291 through 43.30.295; and

(6) Adopt and enforce rules as may be deemed necessary and proper for carrying out the powers, duties, and functions imposed upon it by this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the board may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the board or the department.

**Sec.**  RCW 43.31C.060 and 2000 c 212 s 7 are each amended to read as follows:

The department must administer this chapter and has the following powers and duties:

(1) To monitor the implementation of chapter 212, Laws of 2000 and submit reports evaluating the effectiveness of the program and any suggestions for legislative changes to the governor and legislature by December 1, 2000;

(2) To develop evaluation and performance measures for local governments to measure the effectiveness of the program at the local level on meeting the objectives of this chapter;

(3) To provide information and appropriate assistance to persons desiring to locate and operate a business in a community empowerment zone;

(4) To work with appropriate state agencies to coordinate the delivery of programs, including but not limited to housing, community and economic development, small business assistance, social service, and employment and training programs which are carried on in a community empowerment zone; and

(5) To develop rules necessary for the administration of this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the department may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department.

**Sec.**  RCW 43.33.040 and 2009 c 549 s 5112 are each amended to read as follows:

The state finance committee may ((~~make~~))adopt appropriate rules ((~~and regulations~~)) for the performance of its duties. The state treasurer shall act as chair of the committee. For rules adopted under the provisions of this chapter after August 1, 2015, the state finance committee may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the state finance committee.

**Sec.**  RCW 43.33A.110 and 1994 c 154 s 310 are each amended to read as follows:

The state investment board may ((~~make~~))adopt appropriate rules ((~~and regulations~~)) for the performance of its duties. The board shall establish investment policies and procedures designed exclusively to maximize return at a prudent level of risk. However, in the case of the department of labor and industries' accident, medical aid, and reserve funds, the board shall establish investment policies and procedures designed to attempt to limit fluctuations in industrial insurance premiums and, subject to this purpose, to maximize return at a prudent level of risk. The board shall adopt rules to ensure that its members perform their functions in compliance with chapter 42.52 RCW. Rules adopted by the board shall be adopted pursuant to chapter 34.05 RCW.

For rules adopted under the provisions of this chapter after August 1, 2015, the state investment board may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the state investment board.

**Sec.**  RCW 43.59.070 and 1967 ex.s. c 147 s 8 are each amended to read as follows:

The director shall be secretary of the commission and shall be responsible for carrying into effect the commission's orders and rules ((~~and regulations promulgated~~))adopted by the commission. The director shall also be authorized to employ such staff as is necessary pursuant to the provisions of chapter 41.06 RCW. The commission shall adopt ((~~such~~)) rules ((~~and regulations~~)) as shall be necessary to carry into effect the purposes of this chapter.

For rules adopted under the provisions of this chapter after August 1, 2015, the Washington state traffic safety commission may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission.

**Sec.**  RCW 43.61.040 and 1977 c 75 s 60 are each amended to read as follows:

The director of veterans affairs shall ((~~make such~~))adopt rules ((~~and regulations~~)) as may be necessary to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the director of veterans affairs may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department of veterans affairs. The department shall furnish information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health, vocational guidance and placement, and services not provided by some other agency of the state or by the federal government. The director shall submit a report of the departments' activities hereunder each year to the governor.

**Sec.**  RCW 43.63A.475 and 1993 c 124 s 2 are each amended to read as follows:

The department shall adopt all rules under chapter 34.05 RCW necessary to implement chapter 124, Laws of 1993, giving due consideration to standards and regulations adopted by the secretary of housing and urban development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) for manufactured housing construction and safety standards. For rules adopted under the provisions of this chapter after August 1, 2015, the department of commerce may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department of commerce.

**Sec.**  RCW 43.70.580 and 1995 c 43 s 3 are each amended to read as follows:

The primary responsibility of the public health system, is to take those actions necessary to protect, promote, and improve the health of the population. In order to accomplish this, the department shall:

(1) Identify, as part of the public health improvement plan, the key health outcomes sought for the population and the capacity needed by the public health system to fulfill its responsibilities in improving health outcomes.

(2)(a) Distribute state funds that, in conjunction with local revenues, are intended to improve the capacity of the public health system. The distribution methodology shall encourage system-wide effectiveness and efficiency and provide local health jurisdictions with the flexibility both to determine governance structures and address their unique needs.

(b) Enter into with each local health jurisdiction performance-based contracts that establish clear measures of the degree to which the local health jurisdiction is attaining the capacity necessary to improve health outcomes. The contracts negotiated between the local health jurisdictions and the department of health must identify the specific measurable progress that local health jurisdictions will make toward achieving health outcomes. A community assessment conducted by the local health jurisdiction according to the public health improvement plan, which shall include the results of the comprehensive plan prepared according to RCW 70.190.130, will be used as the basis for identifying the health outcomes. The contracts shall include provisions to encourage collaboration among local health jurisdictions. State funds shall be used solely to expand and complement, but not to supplant city and county government support for public health programs.

(3) Develop criteria to assess the degree to which capacity is being achieved and ensure compliance by public health jurisdictions.

(4) Adopt rules necessary to carry out the purposes of chapter 43, Laws of 1995. For rules adopted under the provisions of this chapter after August 1, 2015, the department may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department.

(5) Biennially, within the public health improvement plan, evaluate the effectiveness of the public health system, assess the degree to which the public health system is attaining the capacity to improve the status of the public's health, and report progress made by each local health jurisdiction toward improving health outcomes.

**Sec.**  RCW 43.101.085 and 2006 c 22 s 1 are each amended to read as follows:

In addition to its other powers granted under this chapter, the commission has authority and power to:

(1) Adopt, amend, or repeal rules as necessary to carry out this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the commission may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission;

(2) Issue subpoenas and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter;

(3) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;

(4) Appoint members of a hearings board as provided under RCW 43.101.380;

(5) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;

(6) Grant, deny, or revoke certification of peace officers under the provisions of this chapter;

(7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter;

(8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter; and

(9) ((~~To~~))Grant, deny, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process.

**Sec.**  RCW 43.115.040 and 2009 c 549 s 5170 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) Elect one of its members to serve as chair;

(2) Adopt rules ((~~and regulations~~)) pursuant to chapter 34.05 RCW. For rules adopted under the provisions of this chapter after August 1, 2015, the commission may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission;

(3) Examine and define issues pertaining to the rights and needs of Hispanics, and make recommendations to the governor and state agencies for changes in programs and laws;

(4) Advise the governor and state agencies on the development and implementation of policies, plans, and programs that relate to the special needs of Hispanics;

(5) Advise the legislature on issues of concern to the Hispanic community;

(6) Establish relationships with state agencies, local governments, and private sector organizations that promote equal opportunity and benefits for Hispanics; and

(7) Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission and expend, without appropriation, the same or any income from the gifts, grants, or endowments according to their terms.

**Sec.**  RCW 43.117.050 and 2009 c 549 s 5172 are each amended to read as follows:

The commission shall:

(1) Elect one of its members to serve as chair; and also such other officers as necessary to form an executive committee;

(2) Adopt rules ((~~and regulations~~)) pursuant to chapter 34.05 RCW. For rules adopted under the provisions of this chapter after August 1, 2015, the commission may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission;

(3) Meet at the call of the chair or the call of a majority of its members, but in no case less often than once during any three month period;

(4) Be authorized to appoint such citizen task force as it deems appropriate.

**Sec.**  RCW 43.155.040 and 1985 c 446 s 10 are each amended to read as follows:

The board may:

(1) Accept from any state or federal agency, loans or grants for the planning or financing of any public works project and enter into agreements with any such agency concerning the loans or grants;

(2) Provide technical assistance to local governments;

(3) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(4) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the board may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the board;

(5) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

**Sec.**  RCW 43.160.050 and 2008 c 327 s 4 are each amended to read as follows:

The board may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business.

(2) Adopt an official seal and alter the seal at its pleasure.

(3) Utilize the services of other governmental agencies.

(4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants.

(5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers.

(6) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter.

(7) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter.

(8) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the board may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the board.

(9) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

**Sec.**  RCW 43.163.100 and 1990 c 53 s 6 are each amended to read as follows:

In addition to accomplishing the economic development finance programs specifically authorized in this chapter, the authority may:

(1) Maintain an office or offices;

(2) Sue and be sued in its own name, and plead and be impleaded;

(3) Engage consultants, agents, attorneys, and advisers, contract with federal, state, and local governmental entities for services, and hire such employees, agents and other personnel as the authority deems necessary, useful, or convenient to accomplish its purposes;

(4) Make and execute all manner of contracts, agreements and instruments and financing documents with public and private parties as the authority deems necessary, useful, or convenient to accomplish its purposes;

(5) Acquire and hold real or personal property, or any interest therein, in the name of the authority, and to sell, assign, lease, encumber, mortgage, or otherwise dispose of the same in such manner as the authority deems necessary, useful, or convenient to accomplish its purposes;

(6) Open and maintain accounts in qualified public depositaries and otherwise provide for the investment of any funds not required for immediate disbursement, and provide for the selection of investments;

(7) Appear in its own behalf before boards, commissions, departments, or agencies of federal, state, or local government;

(8) Procure such insurance in such amounts and from such insurers as the authority deems desirable, including, but not limited to, insurance against any loss or damage to its property or other assets, public liability insurance for injuries to persons or property, and directors and officers liability insurance;

(9) Apply for and accept subventions, grants, loans, advances, and contributions from any source of money, property, labor, or other things of value, to be held, used and applied as the authority deems necessary, useful, or convenient to accomplish its purposes;

(10) Establish guidelines for the participation by eligible banking organizations in programs conducted by the authority under this chapter;

(11) Act as an agent, by agreement, for federal, state, or local governmental entities to carry out the programs authorized in this chapter;

(12) Establish, revise, and collect such fees and charges as the authority deems necessary, useful, or convenient to accomplish its purposes;

(13) Make such expenditures as are appropriate for paying the administrative costs and expenses of the authority in carrying out the provisions of this chapter: PROVIDED, That expenditures with respect to the economic development financing programs of the authority shall not be made from funds of the state;

(14) Establish such reserves and special funds, and controls on deposits to and disbursements from them, as the authority deems necessary, useful, or convenient to accomplish its purposes;

(15) Give assistance to public bodies by providing information, guidelines, forms, and procedures for implementing their financing programs;

(16) Prepare, publish and distribute, with or without charge, such studies, reports, bulletins, and other material as the authority deems necessary, useful, or convenient to accomplish its purposes;

(17) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(18) Adopt rules concerning its exercise of the powers authorized by this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the authority may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the authority; and

(19) Exercise any other power the authority deems necessary, useful, or convenient to accomplish its purposes and exercise the powers expressly granted in this chapter.

**Sec.**  RCW 43.180.040 and 1995 c 399 s 98 are each amended to read as follows:

(1) There is ((~~hereby~~)) established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington state housing finance commission. The commission is an instrumentality of the state exercising essential government functions and, for purposes of the code, acts as a constituted authority on behalf of the state when it issues bonds pursuant to this chapter. The commission is a "public body" within the meaning of RCW 39.53.010.

(2) The commission shall consist of the following voting members:

(a) The state treasurer, ex officio;

(b) The director of ((~~community, trade, and economic development~~))commerce, ex officio;

(c) An elected local government official, ex officio, with experience in local housing programs, who shall be appointed by the governor with the consent of the senate;

(d) A representative of housing consumer interests, appointed by the governor with the consent of the senate;

(e) A representative of labor interests, appointed by the governor, with the consent of the senate, after consultation with representatives of organized labor;

(f) A representative of low-income persons, appointed by the governor with the consent of the senate;

(g) Five members of the public appointed by the governor, with the consent of the senate, on the basis of geographic distribution and their expertise in housing, real estate, finance, energy efficiency, or construction, one of whom shall be appointed by the governor as chair of the commission and who shall serve on the commission and as chair of the commission at the pleasure of the governor.

The term of the persons appointed by the governor, other than the chair, shall be four years from the date of their appointment, except that the terms of three of the initial appointees shall be for two years from the date of their appointment. The governor shall designate the appointees who will serve the two-year terms. An appointee may be removed by the governor for cause pursuant to RCW 43.06.070 and 43.06.080. The governor shall fill any vacancy in an appointed position by appointment for the remainder of the unexpired term. If the department of ((~~community development~~))commerce is abolished, the resulting vacancy shall be filled by a state official who shall be appointed to the commission by the governor. If this official occupies an office or position for which senate confirmation is not required, then his or her appointment to the commission shall be subject to the consent of the senate. The members of the commission shall be compensated in accordance with RCW 43.03.240 and may be reimbursed, solely from the funds of the commission, for expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority of the commission constitutes a quorum. Designees shall be appointed in such manner and shall exercise such powers as are specified by the rules of the commission.

(3) The commission may adopt an official seal and may select from its membership a vice chair, a secretary, and a treasurer. The commission shall establish rules concerning its exercise of the powers authorized by this chapter. The rules shall be adopted in conformance with chapter 34.05 RCW. For rules adopted under the provisions of this chapter after August 1, 2015, the commission may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission.

**Sec.**  RCW 43.200.070 and 1989 c 322 s 5 are each amended to read as follows:

The department of ecology shall adopt such rules as are necessary to carry out responsibilities under this chapter. The department of ecology is authorized to adopt such rules as are necessary to carry out its responsibilities under chapter 43.145 RCW. For rules adopted under the provisions of this chapter after August 1, 2015, the department of ecology may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department of ecology.

**Sec.**  RCW 43.210.060 and 1995 c 399 s 108 are each amended to read as follows:

The department of ((~~community, trade, and economic development or its statutory successor~~))commerce shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the department of commerce may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department of commerce.

**Sec.**  RCW 43.250.090 and 1986 c 294 s 9 are each amended to read as follows:

The state finance committee shall administer this chapter and adopt appropriate rules. For rules adopted under the provisions of this chapter after August 1, 2015, the state finance committee may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the state finance committee.

**Sec.**  RCW 43.320.040 and 1993 c 472 s 5 are each amended to read as follows:

The director of financial institutions may adopt any rules, under chapter 34.05 RCW, necessary to implement the powers and duties of the director under this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the director of financial institutions may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department of financial institutions.

**Sec.**  RCW 43.330.040 and 1993 c 280 s 6 are each amended to read as follows:

(1) The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to community and economic development matters affecting the state.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(b) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter;

(c) Accept and expend gifts and grants, whether such grants be of federal or other funds;

(d) Appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

(e) Prepare and submit budgets for the department for executive and legislative action;

(f) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter;

(g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the director may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department;

(h) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; and

(i) Perform other duties as are necessary and consistent with law.

(3) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(4) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.

(5) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.

(6) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and nonprofit entities or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

(7) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

**Sec.**  RCW 47.01.071 and 2007 c 516 s 4 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate, the policies shall provide for the use of integrated, intermodal transportation systems. The policies must be aligned with the goals established in RCW 47.04.280. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature; and

(d) Integrate the statewide transportation plan with the needs of the elderly and persons with disabilities, and coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) By December 2010, to prepare a comprehensive and balanced statewide transportation plan consistent with the state's growth management goals and based on the transportation policy goals provided under RCW 47.04.280 and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan must, at a minimum: (a) Establish a vision for the development of the statewide transportation system; (b) identify significant statewide transportation policy issues; and (c) recommend statewide transportation policies and strategies to the legislature to fulfill the requirements of subsection (1) of this section. The plan must be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. Every four years, the plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) By December 2007, the office of financial management shall submit a baseline report on the progress toward attaining the policy goals under RCW 47.04.280 in the 2005-2007 fiscal biennium. By October 1, 2008, beginning with the development of the 2009-2011 biennial transportation budget, and by October 1st biennially thereafter, the office of financial management shall submit to the legislature and the governor a report on the progress toward the attainment by state transportation agencies of the state transportation policy goals and objectives prescribed by statute, appropriation, and governor directive. The report must, at a minimum, include the degree to which state transportation programs have progressed toward the attainment of the policy goals established under RCW 47.04.280, as measured by the objectives and performance measures established by the office of financial management under RCW 47.04.280;

(6) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

(7) To adopt ((~~such~~)) rules as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute. For rules adopted under the provisions of this chapter after August 1, 2015, the commission may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department;

(8) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

(9) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; and

(10) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

**Sec.**  RCW 48.02.060 and 2010 c 27 s 1 are each amended to read as follows:

(1) The commissioner has the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code.

(2) The commissioner must execute his or her duties and must enforce the provisions of this code.

(3) The commissioner may:

(a) ((~~Make~~))Adopt reasonable rules for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation. Rules are not effective prior to their being filed for public inspection in the commissioner's office. For rules adopted under the provisions of this chapter after August 1, 2015, the commissioner may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the office of the insurance commissioner.

(b) Conduct investigations to determine whether any person has violated any provision of this code.

(c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code.

(4) When the governor proclaims a state of emergency under RCW 43.06.010(12), the commissioner may issue an order that addresses any or all of the following matters related to insurance policies issued in this state:

(a) Reporting requirements for claims;

(b) Grace periods for payment of insurance premiums and performance of other duties by insureds;

(c) Temporary postponement of cancellations and nonrenewals; and

(d) Medical coverage to ensure access to care.

(5) An order by the commissioner under subsection (4) of this section may remain effective for not more than sixty days unless the commissioner extends the termination date for the order for an additional period of not more than thirty days. The commissioner may extend the order if, in the commissioner's judgment, the circumstances warrant an extension. An order of the commissioner under subsection (4) of this section is not effective after the related state of emergency is terminated by proclamation of the governor under RCW 43.06.210. The order must specify, by line of insurance:

(a) The geographic areas in which the order applies, which must be within but may be less extensive than the geographic area specified in the governor's proclamation of a state of emergency and must be specific according to an appropriate means of delineation, such as the United States postal service zip codes or other appropriate means; and

(b) The date on which the order becomes effective and the date on which the order terminates.

(6) The commissioner may adopt rules that establish general criteria for orders issued under subsection (4) of this section and may adopt emergency rules applicable to a specific proclamation of a state of emergency by the governor.

(7) The rule-making authority set forth in subsection (6) of this section does not limit or affect the rule-making authority otherwise granted to the commissioner by law.

**Sec.**  RCW 48.44.050 and 1947 c 268 s 5 are each amended to read as follows:

The insurance commissioner shall ((~~make~~))adopt reasonable ((~~regulations~~))rules in aid of the administration of this chapter which may include((~~,~~)) but shall not be limited to ((~~regulations~~))rules concerning the maintenance of adequate insurance, bonds, or cash deposits, information required of registrants, and methods of expediting speedy and fair payments to claimants. For rules adopted under the provisions of this chapter after August 1, 2015, the insurance commissioner may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the office of the insurance commissioner.

**Sec.**  RCW 48.46.200 and 2009 c 549 s 7153 are each amended to read as follows:

The commissioner may, in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW, ((~~promulgate~~))adopt rules ((~~and regulations~~)) as necessary or proper to carry out the provisions of this chapter. For rules adopted under the provisions of this chapter after August 1, 2015, the commissioner may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the office of the insurance commissioner. Nothing in this chapter shall be construed to prohibit the commissioner from requiring changes in procedures previously approved by him or her.

**Sec.**  RCW 66.08.0501 and 1997 c 321 s 56 are each amended to read as follows:

The liquor control board may adopt appropriate rules pursuant to chapter 34.05 RCW for the purpose of carrying out the provisions of chapter 321, Laws of 1997. For rules adopted under the provisions of this chapter after August 1, 2015, the liquor control board may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the liquor control board.

**Sec.**  RCW 77.04.055 and 2000 c 107 s 204 are each amended to read as follows:

(1) In establishing policies to preserve, protect, and perpetuate wildlife, fish, and wildlife and fish habitat, the commission shall meet annually with the governor to:

(a) Review and prescribe basic goals and objectives related to those policies; and

(b) Review the performance of the department in implementing fish and wildlife policies.

The commission shall maximize fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.

(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

(3) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 77.12.047.

(4) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.

(5) The commission shall adopt rules to implement the state's fish and wildlife laws. For rules adopted under the provisions of this chapter after August 1, 2015, the commission may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission or the department.

(6) The commission shall have final approval authority for the department's budget proposals.

(7) The commission shall select its own staff and shall appoint the director of the department. The director and commission staff shall serve at the pleasure of the commission.

**Sec.**  RCW 80.01.040 and 2007 c 234 s 1 are each amended to read as follows:

The utilities and transportation commission shall:

(1) Exercise all the powers and perform all the duties prescribed by this title and by Title 81 RCW, or by any other law.

(2) Regulate in the public interest, as provided by the public service laws, all persons engaging in the transportation of persons or property within this state for compensation.

(3) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation.

(4) ((~~Make~~))Adopt rules ((~~and regulations~~)) necessary to carry out its other powers and duties. For rules adopted under the provisions of this chapter after August 1, 2015, the commission may adopt only rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission.

NEW SECTION. **Sec.**  A new section is added to chapter 34.05 RCW to read as follows:

When delegating authority to an agency through legislation, the legislature, unless it specifically states otherwise, limits its delegation of authority to:

(1) The minimum delegation necessary to administer the legislation's clear and unambiguous directives; and

(2) The administration of circumstances and behaviors foreseeable at the time of the legislation's enactment.

**PART V**

NEW SECTION. **Sec.**  The legislature finds that this nation and this state were founded as constitutional republican forms of government with democratically elected representatives enacting and implementing laws consistent with those constitutions to promote the general welfare of all the people. All elected officials take an oath to uphold the constitutions. The role of government was intended to remain as limited as possible in order to expand the liberties of the people as far as possible. Over the past few decades, legislative and executive branches have gone far beyond their original purposes and powers, and have grown to the extent that the economic and regulatory burdens placed upon the people is becoming unbearable and is infringing on the rights of law-abiding citizens to enjoy their property, their freedoms, and the fruits of their labors. The legislature further finds that the United States congress has frequently ignored its own House rule XIII 3(d) which requires "Each report of a committee on a public bill or public joint resolution shall contain the following: (1) A statement citing the specific powers granted to congress in the Constitution to enact the law proposed by the bill or resolution." The legislature intends by this chapter to ensure that all laws and rules adopted by the federal and state governments are firmly grounded in their respective constitutions so that those governments might return to their proper realms and focus on the essential services that best strike the balance between the need for government and the need for people to be free.

NEW SECTION. **Sec.**  (1) Every bill, act, ordinance, resolution, or rule adopted or enacted by a legislative or executive body, or the people, shall include the citation of the express language from the federal or state Constitution that provides the specific authority for the provisions included in the bill, act, ordinance, resolution, or rule.

(2) Every bill, act, ordinance, resolution, or rule adopted or enacted by a legislative or executive body, or the people, shall limit the provisions of the bill, act, ordinance, resolution, or rule to the express language included in the citation from the federal or state Constitution that provides the specific authority such provisions.

(3) Every bill, act, ordinance, resolution, or rule adopted or enacted by a legislative or executive body, or the people, shall include a brief rationale as how the provisions of the bill, act, ordinance, resolution, or rule are provided specific authority in the express language of the federal or state Constitution cited, including the language of the text itself, a reasonable construction and extension of the text, the intent as best can be ascertained of those who adopted the text, and the historical understanding and context in which the text was adopted.

**PART VI**

NEW SECTION. **Sec.**  The legislature finds that:

(1) The public interest will be best served if lands throughout the state and their resources are subject to the coordinated management efforts of the state and local governments;

(2) The federal government requires its agencies to coordinate and provide meaningful involvement of state and local government officials in the development and revisions of federal land use plans, guidelines, and regulations as explained in 43 U.S.C. Sec. 1712 (c)(9);

(3) Many local governments have extensive plans for the lands within their jurisdiction as required by various state laws, including but not limited to Titles 35, 35A, and 36 RCW; and

(4) The citizens of Washington directly benefit when state agencies coordinate their activities with local government officials regarding land use administration, management, and planning.

NEW SECTION. **Sec.**  A new section is added to chapter 77.12 RCW to read as follows:

(1)(a) The department shall coordinate with all applicable affected local government officials during the development, revision, and implementation of any public land use plan under the control or authority of the department.

(b) Implementation of this section requires the department to, at a minimum:

(i) Keep itself apprised of all relevant local and tribal land use plans and ordinances;

(ii) Ensure that consideration is given to local and tribal plans that are germane in the development of land use activities for the department and strive to make corresponding state policies, plans, or actions consistent with local policies, plans, or actions;

(iii) Assist in resolving inconsistencies between department land management and local and tribal plans and ordinances;

(iv) Provide for meaningful public involvement of other local government officials, both elected and appointed, in the development of land use programs, land use policies, land use rules, and land use decisions for department lands; and

(v) Provide local government officials early notification of all land use actions or plans of the department that will affect the unit of local government directly or indirectly.

(2) If, after consulting with an affected local government, the department finds that the statutory limitations of the department make compliance with a particular locally adopted land use plan or ordinance unlawful, the department shall report this finding to the appropriate committees of the legislature along with specific information relating to the statute or statutes limiting the department from complying with local plans or ordinances.

(3) The director must make available a formal channel through which local government officials may provide direct feedback and other communications regarding proposed actions by the department relating to the purchase and sale of land, the development or revision of land use plans, land use guidelines, land use policies, and land use rules for department lands within the local jurisdiction and with respect to other land use matters as deemed relevant to a local official.

NEW SECTION. **Sec.**  A new section is added to chapter 79.02 RCW to read as follows:

(1)(a) The department shall coordinate with all applicable affected local government officials during the development, revision, and implementation of any public land use plan under the control or authority of the department.

(b) Implementation of this section requires the department to, at a minimum:

(i) Keep itself apprised of all relevant local and tribal land use plans and ordinances;

(ii) Ensure that consideration is given to local and tribal plans that are germane in the development of land use activities for the department and strive to make corresponding state policies, plans, or actions consistent with local policies, plans, or actions;

(iii) Assist in resolving inconsistencies between department land management and local and tribal plans and ordinances;

(iv) Provide for meaningful public involvement of other local government officials, both elected and appointed, in the development of land use programs, land use policies, land use rules, and land use decisions for public lands; and

(v) Provide local government officials early notification of all land use actions or plans of the department that will affect the unit of local government directly or indirectly.

(2) If, after consulting with an affected local government, the department finds that the statutory limitations of the department make compliance with a particular locally adopted land use plan or ordinance unlawful, the department shall report this finding to the appropriate committees of the legislature along with specific information relating to the statute or statutes limiting the department from complying with local plans or ordinances.

(3) The commissioner of public lands must make available a formal channel through which local government officials may provide direct feedback and other communications regarding proposed actions by the department relating to the purchase and sale of land, the development or revision of land use plans, land use guidelines, land use policies, and land use rules for public lands within the local jurisdiction and with respect to other land use matters as deemed relevant to a local official.

NEW SECTION. **Sec.**  A new section is added to chapter 79A.05 RCW to read as follows:

(1)(a) The commission shall coordinate with all applicable affected local government officials during the development, revision, and implementation of any public land use plan under the control or authority of the commission.

(b) Implementation of this section requires the commission to, at a minimum:

(i) Keep itself apprised of all relevant local and tribal land use plans and ordinances;

(ii) Ensure that consideration is given to local and tribal plans that are germane in the development of land use activities for the commission and strive to make corresponding commission policies, plans, or actions consistent with local policies, plans, or actions;

(iii) Assist in resolving inconsistencies between commission land management and local and tribal plans and ordinances;

(iv) Provide for meaningful public involvement of other local government officials, both elected and appointed, in the development of land use programs, land use policies, land use rules, and land use decisions for commission lands; and

(v) Provide local government officials early notification of all land use actions or plans of the commission that will affect the unit of local government directly or indirectly.

(2) If, after consulting with an affected local government, the commission finds that the statutory limitations of the commission make compliance with a particular locally adopted land use plan or ordinance unlawful, the commission shall report this finding to the appropriate committees of the legislature along with specific information relating to the statute or statutes limiting the commission from complying with local plans or ordinances.

(3) The director must make available a formal channel through which local government officials may provide direct feedback and other communications regarding proposed actions by the commission relating to the purchase and sale of land, the development or revision of land use plans, land use guidelines, land use policies, and land use rules for commission lands within the local jurisdiction and with respect to other land use matters as deemed relevant to a local official.

NEW SECTION. **Sec.**  A new section is added to chapter 35.21 RCW to read as follows:

(1) If the ordinances, regulations, plans, or policies of a city are less restrictive than applicable federal or state laws or requirements, the city must demand, by any lawful means, that the federal or state government coordinate with the city before the federal or state government implements, enforces, expands, or extends the federal or state law or requirement within the jurisdictional boundary of the city. The coordination demand required by this subsection may be waived through a resolution adopted by a majority of the city legislative body.

(2) If the federal or state government fails to coordinate in good faith with the city, the legislative body of the city must hold two or more public hearings, consider the evidence, and vote on whether to authorize litigation to enforce the coordination rights of the city.

(3) If a person who resides or conducts business in the state serves each member of the legislative body of the city with a written demand that the city comply with this section, and if within sixty days after service of the demand, the legislative body fails to comply with this section in a manner that causes injury to the person, the person may submit a written demand for a response. Written response demands under this subsection must specify the city ordinance, regulation, plan, or policy with which the federal or state government failed to coordinate. Within thirty days after receiving the written demand for a response under this subsection, the legislative body of the city must hold a public hearing to present information on the decision to not demand coordination.

(4) The definitions in this subsection apply throughout this section unless the context requires otherwise.

(a) "City" means an incorporated city or town.

(b) "Coordinate" means the action necessary to achieve coordination.

(c) "Coordination" means the process by which the federal or state government seeks in good faith to reach consistency between a federal or state law or requirement and a city ordinance, regulation, plan, or policy.

(d) "Less restrictive" means a city ordinance, regulation, plan, or policy imposes, or would impose, less of a burden on the exercise of rights, privileges, or immunities enjoyed by individuals, organizations, and businesses within the jurisdictional boundaries of the city.

NEW SECTION. **Sec.**  A new section is added to chapter 35A.21 RCW to read as follows:

(1) If the ordinances, regulations, plans, or policies of a city are less restrictive than applicable federal or state laws or requirements, the city must demand, by any lawful means, that the federal or state government coordinate with the city before the federal or state government implements, enforces, expands, or extends the federal or state law or requirement within the jurisdictional boundary of the city. The coordination demand required by this subsection may be waived through a resolution adopted by a majority of the city legislative body.

(2) If the federal or state government fails to coordinate in good faith with the city, the legislative body of the city must hold two or more public hearings, consider the evidence, and vote on whether to authorize litigation to enforce the coordination rights of the city.

(3) If a person who resides or conducts business in the state serves each member of the legislative body of the city with a written demand that the city comply with this section, and if within sixty days after service of the demand, the legislative body fails to comply with this section in a manner that causes injury to the person, the person may submit a written demand for a response. Written response demands under this subsection must specify the city ordinance, regulation, plan, or policy with which the federal or state government failed to coordinate. Within thirty days after receiving the written demand for a response under this subsection, the legislative body of the city must hold a public hearing to present information on the decision to not demand coordination.

(4) The definitions in this subsection apply throughout this section unless the context requires otherwise.

(a) "City" means any noncharter code city or charter code city.

(b) "Coordinate" means the action necessary to achieve coordination.

(c) "Coordination" means the process by which the federal or state government seeks in good faith to reach consistency between a federal or state law or requirement and a city ordinance, regulation, plan, or policy.

(d) "Less restrictive" means a city ordinance, regulation, plan, or policy imposes, or would impose, less of a burden on the exercise of rights, privileges, or immunities enjoyed by individuals, organizations, and businesses within the jurisdictional boundaries of the city.

NEW SECTION. **Sec.**  A new section is added to chapter 36.01 RCW to read as follows:

(1) If the ordinances, regulations, plans, or policies of a county are less restrictive than applicable federal or state laws or requirements, the county must demand, by any lawful means, that the federal or state government coordinate with the county before the federal or state government implements, enforces, expands, or extends the federal or state law or requirement within the jurisdictional boundary of the county. The coordination demand required by this subsection may be waived through a resolution adopted by a majority of the county legislative body.

(2) If the federal or state government fails to coordinate in good faith with the county, the legislative body of the county must hold two or more public hearings, consider the evidence, and vote on whether to authorize litigation to enforce the coordination rights of the county.

(3) If a person who resides or conducts business in the state serves each member of the legislative body of the county with a written demand that the county comply with this section, and if within sixty days after service of the demand, the legislative body fails to comply with this section in a manner that causes injury to the person, the person may submit a written demand for a response. Written response demands under this subsection must specify the county ordinance, regulation, plan, or policy with which the federal or state government failed to coordinate. Within thirty days after receiving the written demand for a response under this subsection, the legislative body of the county must hold a public hearing to present information on the decision to not demand coordination.

(4) The definitions in this subsection apply throughout this section unless the context requires otherwise.

(a) "Coordinate" means the action necessary to achieve coordination.

(b) "Coordination" means the process by which the federal or state government seeks in good faith to reach consistency between a federal or state law or requirement and a county ordinance, regulation, plan, or policy.

(c) "Less restrictive" means a county ordinance, regulation, plan, or policy imposes, or would impose, less of a burden on the exercise of rights, privileges, or immunities enjoyed by individuals, organizations, and businesses within the jurisdictional boundaries of the county.

NEW SECTION. **Sec.**  This chapter applies to any special purpose district. For the purposes of this chapter, "special purpose district" means any statutorily created unit of local government that is not a county or city.

NEW SECTION. **Sec.**  (1) If the ordinances, regulations, plans, or policies of a special purpose district are less restrictive than applicable federal or state laws or requirements, the special purpose district must demand, by any lawful means, that the federal or state government coordinate with the special purpose district before the federal or state government implements, enforces, expands, or extends the federal or state law or requirement within the jurisdictional boundary of the special purpose district. The coordination demand required by this subsection may be waived through a resolution adopted by a majority of the special purpose district legislative body.

(2) If the federal or state government fails to coordinate in good faith with the special purpose district, the legislative body of the special purpose district must hold two or more public hearings, consider the evidence, and vote on whether to authorize litigation to enforce the coordination rights of the special purpose district.

(3) If a person who resides or conducts business in the state serves each member of the legislative body of the special purpose district with a written demand that the special purpose district comply with this section, and if within sixty days after service of the demand, the legislative body fails to comply with this section in a manner that causes injury to the person, the person may submit a written demand for a response. Written response demands under this subsection must specify the special purpose district ordinance, regulation, plan, or policy with which the federal or state government failed to coordinate. Within thirty days after receiving the written demand for a response under this subsection, the legislative body of the special purpose district must hold a public hearing to present information on the decision to not demand coordination.

(4) The definitions in this subsection apply throughout this section unless the context requires otherwise.

(a) "Coordinate" means the action necessary to achieve coordination.

(b) "Coordination" means the process by which the federal or state government seeks in good faith to reach consistency between a federal or state law or requirement and a special purpose district ordinance, regulation, plan, or policy.

(d) "Less restrictive" means a special purpose district ordinance, regulation, plan, or policy imposes, or would impose, less of a burden on the exercise of rights, privileges, or immunities enjoyed by individuals, organizations, and businesses within the jurisdictional boundaries of the special purpose district.

**PART VII**

NEW SECTION. **Sec.**  A new section is added to chapter 70.94 RCW to read as follows:

(1) All decisions on applications under this chapter must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(2) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

**Sec.**  RCW 70.94.181 and 1991 c 199 s 306 are each amended to read as follows:

(1) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the department ((~~of ecology~~)) or appropriate local authority board for a variance from rules ((~~or regulations~~)) governing the quality, nature, duration or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the department ((~~of ecology~~)) or board may require. The department ((~~of ecology~~)) or board may grant such variance, provided that variances to state rules shall require the department's approval prior to being issued by a local authority board. The total time period for a variance and renewal of such variance shall not exceed one year. Variances may be issued by either the department or a local board but only after public hearing or due notice, if the department or board finds that:

(a) The emissions occurring or proposed to occur do not endanger public health or safety or the environment; and

(b) Compliance with the rules ((~~or regulations~~)) from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the department ((~~of ecology~~)) or board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) of this section and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of the pollution involved, it shall be only until the necessary means for prevention, abatement, or control become known and available, and subject to the taking of any substitute or alternate measures that the department ((~~of ecology~~)) or board may prescribe.

(b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the department ((~~of ecology~~)) or board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in (a) and (b) of this subsection, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the department ((~~of ecology~~)) or board on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the department or board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the department ((~~of ecology~~)) or board shall give public notice of such application in accordance with rules of the department ((~~of ecology~~)) or board.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the department ((~~of ecology~~)) or board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the department ((~~of ecology~~)) or board may obtain judicial review thereof under the provisions of chapter 34.05 RCW as now or hereafter amended.

(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.710 through 70.94.730 to any person or his or her property.

(7) An application for a variance, or for the renewal thereof, submitted to the department ((~~of ecology~~)) or board pursuant to this section shall be approved or disapproved by the department or board within sixty-five days of receipt unless the applicant and the department ((~~of ecology~~)) or board agree to a continuance.

(8) Variances approved under this section shall not be included in orders or permits provided for in RCW 70.94.161 or 70.94.152 until such time as the variance has been accepted by the United States environmental protection agency as part of an approved state implementation plan.

(9)(a) All decisions on variances under this section must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(b) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

**Sec.**  RCW 76.09.060 and 2012 1st sp.s. c 1 s 206 are each amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices rules shall specify by whom and under what conditions the notification and application shall be signed or otherwise certified as acceptable. Activities conducted by the department or a contractor under the direction of the department under the provisions of RCW 76.04.660, shall be exempt from the landowner signature requirement on any forest practices application required to be filed. The application or notification shall be delivered in person to the department, sent by first-class mail to the department or electronically filed in a form defined by the department. The form for electronic filing shall be readily convertible to a paper copy, which shall be available to the public pursuant to chapter 42.56 RCW. The information required may include, but is not limited to:

(a) Name and address of the forest landowner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description and tax parcel identification numbers of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) For an application or notification submitted on or after July 10, 2012, that includes a forest practices hydraulic project, plans and specifications for the forest practices hydraulic project to ensure the proper protection of fish life;

(g) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices rules;

(h) Soil, geological, and hydrological data with respect to forest practices;

(i) The expected dates of commencement and completion of all forest practices specified in the application;

(j) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources;

(k) An affirmation that the statements contained in the notification or application are true; and

(l) All necessary application or notification fees.

(2) Long range plans may be submitted to the department for review and consultation.

(3) The application for a forest practice or the notification of a forest practice is subject to the reforestation requirement of RCW 76.09.070.

(a) If the application states that any land will be or is intended to be converted:

(i) The reforestation requirements of this chapter and of the forest practices rules shall not apply if the land is in fact converted unless applicable alternatives or limitations are provided in forest practices rules issued under RCW 76.09.070;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.33 and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as well as the forest practices rules.

(b) Except as provided elsewhere in this section, if the landowner harvests without an approved application or notification or the landowner does not state that any land covered by the application or notification will be or is intended to be converted, and the department or the county, city, town, or regional governmental entity becomes aware of conversion activities to a use other than commercial timber operations, as that term is defined in RCW 76.09.020, then the department shall send to the department of ecology and the appropriate county, city, town, and regional governmental entities the following documents:

(i) A notice of a conversion to nonforestry use;

(ii) A copy of the applicable forest practices application or notification, if any; and

(iii) Copies of any applicable outstanding final orders or decisions issued by the department related to the forest practices application or notification.

(c) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes.

(d) Conversion to a use other than commercial forest product operations within six years after approval of the forest practices application or notification without the consent of the county, city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had stated an intent to convert.

(e) Land that is the subject of a notice of conversion to a nonforestry use produced by the department and sent to the department of ecology and a local government under this subsection is subject to the development prohibition and conditions provided in RCW 76.09.460.

(f) Landowners who have not stated an intent to convert the land covered by an application or notification and who decide to convert the land to a nonforestry use within six years of receiving an approved application or notification must do so in a manner consistent with RCW 76.09.470.

(g) The application or notification must include a statement requiring an acknowledgment by the forest landowner of his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6)(a) Except as provided in RCW 76.09.350(4), the notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of three years from the date of approval or notification.

(b) A notification or application may be renewed for an additional three-year term by the filing and approval of a notification or application, as applicable, prior to the expiration of the original application or notification. A renewal application or notification is subject to the forest practices rules in effect at the time the renewal application or notification is filed. Nothing in this section precludes the applicant from applying for a new application or notification after the renewal period has lapsed.

(c) At the option of the applicant, an application or notification may be submitted to cover a single forest practice or a number of forest practices within reasonable geographic or political boundaries as specified by the department. An application or notification that covers more than one forest practice may have an effective term of more than three years.

(d) The board shall adopt rules that establish standards and procedures for approving an application or notification that has an effective term of more than three years. Such rules shall include extended time periods for application or notification approval or disapproval. The department may require the applicant to provide advance notice before commencing operations on an approved application or notification.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice or as required by local regulations.

(8) Forest practices applications or notifications are not required for forest practices conducted to control exotic forest insect or disease outbreaks, when conducted by or under the direction of the department of agriculture in carrying out an order of the governor or director of the department of agriculture to implement pest control measures as authorized under chapter 17.24 RCW, and are not required when conducted by or under the direction of the department in carrying out emergency measures under a forest health emergency declaration by the commissioner of public lands as provided in RCW 76.06.130.

(a) For the purposes of this subsection, exotic forest insect or disease has the same meaning as defined in RCW 76.06.020.

(b) In order to minimize adverse impacts to public resources, control measures must be based on integrated pest management, as defined in RCW 17.15.010, and must follow forest practices rules relating to road construction and maintenance, timber harvest, and forest chemicals, to the extent possible without compromising control objectives.

(c) Agencies conducting or directing control efforts must provide advance notice to the appropriate regulatory staff of the department of the operations that would be subject to exemption from forest practices application or notification requirements.

(d) When the appropriate regulatory staff of the department are notified under (c) of this subsection, they must consult with the landowner, interested agencies, and affected tribes, and assist the notifying agencies in the development of integrated pest management plans that comply with forest practices rules as required under (b) of this subsection.

(e) Nothing under this subsection relieves agencies conducting or directing control efforts from requirements of the federal clean water act as administered by the department of ecology under RCW 90.48.260.

(f) Forest lands where trees have been cut as part of an exotic forest insect or disease control effort under this subsection are subject to reforestation requirements under RCW 76.09.070.

(g) The exemption from obtaining approved forest practices applications or notifications does not apply to forest practices conducted after the governor, the director of the department of agriculture, or the commissioner of public lands have declared that an emergency no longer exists because control objectives have been met, that there is no longer an imminent threat, or that there is no longer a good likelihood of control.

(9)(a) All decisions on applications or notifications under this section must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(b) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

NEW SECTION. **Sec.**  A new section is added to chapter 90.48 RCW to read as follows:

(1) All decisions on applications under this chapter must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(2) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

**Sec.**  RCW 77.55.021 and 2012 1st sp.s. c 1 s 102 are each amended to read as follows:

(1) Except as provided in RCW 77.55.031, 77.55.051, 77.55.041, and 77.55.361, in the event that any person or government agency desires to undertake a hydraulic project, the person or government agency shall, before commencing work thereon, secure the approval of the department in the form of a permit as to the adequacy of the means proposed for the protection of fish life.

(2) A complete written application for a permit may be submitted in person or by registered mail and must contain the following:

(a) General plans for the overall project;

(b) Complete plans and specifications of the proposed construction or work within the mean higher high water line in saltwater or within the ordinary high water line in freshwater;

(c) Complete plans and specifications for the proper protection of fish life;

(d) Notice of compliance with any applicable requirements of the state environmental policy act, unless otherwise provided for in this chapter; and

(e) Payment of all applicable application fees charged by the department under RCW 77.55.321.

(3) The department may establish direct billing accounts or other funds transfer methods with permit applicants to satisfy the fee payment requirements of RCW 77.55.321.

(4) The department may accept complete, written applications as provided in this section for multiple site permits and may issue these permits. For multiple site permits, each specific location must be identified.

(5) With the exception of emergency permits as provided in subsection ((~~(12)~~))(13) of this section, applications for permits must be submitted to the department's headquarters office in Olympia. Requests for emergency permits as provided in subsection ((~~(12)~~))(13) of this section may be made to the permitting biologist assigned to the location in which the emergency occurs, to the department's regional office in which the emergency occurs, or to the department's headquarters office.

(6) Except as provided for emergency permits in subsection ((~~(12)~~))(13) of this section, the department may not proceed with permit review until all fees are paid in full as required in RCW 77.55.321.

(7)(a) Protection of fish life is the only ground upon which approval of a permit may be denied or conditioned. Approval of a permit may not be unreasonably withheld or unreasonably conditioned.

(b) Except as provided in this subsection and subsections ((~~(12) through (14)~~))(13), (15), and (16) of this section, the department has forty-five calendar days upon receipt of a complete application to grant or deny approval of a permit. The forty-five day requirement is suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection;

(iii) The applicant requests a delay; or

(iv) The department is issuing a permit for a storm water discharge and is complying with the requirements of RCW 77.55.161(3)(b).

(c) Immediately upon determination that the forty-five day period is suspended under (b) of this subsection, the department shall notify the applicant in writing of the reasons for the delay.

(d) The period of forty-five calendar days may be extended if the permit is part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.

(8) If the department denies approval of a permit, the department shall provide the applicant a written statement of the specific reasons why and how the proposed project would adversely affect fish life.

(a) Except as provided in (b) of this subsection, issuance, denial, conditioning, or modification of a permit shall be appealable to the board within thirty days from the date of receipt of the decision as provided in RCW 43.21B.230.

(b) Issuance, denial, conditioning, or modification of a permit may be informally appealed to the department within thirty days from the date of receipt of the decision. Requests for informal appeals must be filed in the form and manner prescribed by the department by rule. A permit decision that has been informally appealed to the department is appealable to the board within thirty days from the date of receipt of the department's decision on the informal appeal.

(9)(a) Notwithstanding the forty-five day decision timeline required in this section, all decisions on applications under this section must be completed and the decision returned to the applicant no longer than ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(b) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

(10)(a) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the permit within two years of the date of issuance.

(b) Approval of a permit is valid for up to five years from the date of issuance, except as provided in (c) of this subsection and in RCW 77.55.151.

(c) A permit remains in effect without need for periodic renewal for hydraulic projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. A permit for stream bank stabilization projects to protect farm and agricultural land as defined in RCW 84.34.020 remains in effect without need for periodic renewal if the problem causing the need for the stream bank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the permit.

((~~(10)~~))(11) The department may, after consultation with the permittee, modify a permit due to changed conditions. A modification under this subsection is not subject to the fees provided under RCW 77.55.321. The modification is appealable as provided in subsection (8) of this section. For a hydraulic project that diverts water for agricultural irrigation or stock watering purposes, when the hydraulic project or other work is associated with stream bank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

((~~(11)~~))(12) A permittee may request modification of a permit due to changed conditions. The request must be processed within forty-five calendar days of receipt of the written request and payment of applicable fees under RCW 77.55.321. A decision by the department is appealable as provided in subsection (8) of this section. For a hydraulic project that diverts water for agricultural irrigation or stock watering purposes, when the hydraulic project or other work is associated with stream bank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the permittee to show that changed conditions warrant the requested modification and that such a modification will not impair fish life.

((~~(12)~~))(13)(a) The department, the county legislative authority, or the governor may declare and continue an emergency. If the county legislative authority declares an emergency under this subsection, it shall immediately notify the department. A declared state of emergency by the governor under RCW 43.06.010 shall constitute a declaration under this subsection.

(b) The department, through its authorized representatives, shall issue immediately, upon request, verbal approval for a stream crossing, or work to remove any obstructions, repair existing structures, restore stream banks, protect fish life, or protect property threatened by the stream or a change in the streamflow without the necessity of obtaining a written permit prior to commencing work. Conditions of the emergency verbal permit must be reduced to writing within thirty days and complied with as provided for in this chapter.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department may not charge a person requesting an emergency permit any of the fees authorized by RCW 77.55.321 until after the emergency permit is issued and reduced to writing.

((~~(13)~~))(14) All state and local agencies with authority under this chapter to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

((~~(14)~~))(15) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or protect property. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

((~~(15)~~))(16)(a) For any property, except for property located on a marine shoreline, that has experienced at least two consecutive years of flooding or erosion that has damaged or has threatened to damage a major structure, water supply system, septic system, or access to any road or highway, the county legislative authority may determine that a chronic danger exists. The county legislative authority shall notify the department, in writing, when it determines that a chronic danger exists. In cases of chronic danger, the department shall issue a permit, upon request, for work necessary to abate the chronic danger by removing any obstructions, repairing existing structures, restoring banks, restoring road or highway access, protecting fish resources, or protecting property. Permit requests must be made and processed in accordance with subsections (2) and (7) of this section.

(b) Any projects proposed to address a chronic danger identified under (a) of this subsection that satisfies the project description identified in RCW 77.55.181(1)(a)(ii) are not subject to the provisions of the state environmental policy act, chapter 43.21C RCW. However, the project is subject to the review process established in RCW 77.55.181(3) as if it were a fish habitat improvement project.

((~~(16)~~))(17) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

NEW SECTION. **Sec.**  A new section is added to chapter 90.76 RCW to read as follows:

(1) All decisions on license applications under this chapter must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(2) If the license application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

**Sec.**  RCW 78.44.081 and 1997 c 192 s 1 are each amended to read as follows:

(1) After July 1, 1993, no miner or permit holder may engage in surface mining without having first obtained a reclamation permit from the department. Operating permits issued by the department between January 1, 1971, and June 30, 1993, shall be considered reclamation permits. A separate permit shall be required for each noncontiguous surface mine. The reclamation permit shall consist of the permit forms and any exhibits attached thereto. The permit holder shall comply with the provisions of the reclamation permit unless waived and explained in writing by the department.

(2) Prior to receiving a reclamation permit, an applicant must submit an application on forms provided by the department that shall contain the following information and shall be considered part of the reclamation permit:

((~~(1)~~))(a) Name and address of the legal landowner, or purchaser of the land under a real estate contract;

((~~(2)~~))(b) The name of the applicant and, if the applicants are corporations or other business entities, the names and addresses of their principal officers and resident agent for service of process;

((~~(3)~~))(c) A reasonably accurate description of the minerals to be surface mined;

((~~(4)~~))(d) Type of surface mining to be performed;

((~~(5)~~))(e) Estimated starting date, date of completion, and date of completed reclamation of surface mining;

((~~(6)~~))(f) Size and legal description of the permit area and maximum lateral and vertical extent of the disturbed area;

((~~(7)~~))(g) Expected area to be disturbed by surface mining during ((~~(a)~~))(i) the next twelve months, and ((~~(b)~~))(ii) the following twenty-four months;

((~~(8)~~))(h) Any applicable SEPA documents; and

((~~(9)~~))(i) Other pertinent data as required by the department.

(3) The reclamation permit shall be granted for the period required to deplete essentially all minerals identified in the reclamation permit on the land covered by the reclamation plan. The reclamation permit shall be valid until the reclamation is complete unless the permit is canceled by the department.

(4)(a) All decisions on applications under this chapter must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(b) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

NEW SECTION. **Sec.**  A new section is added to chapter 18.104 RCW to read as follows:

(1) All decisions on applications under this chapter must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(2) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

**Sec.**  RCW 86.16.025 and 1995 c 8 s 4 are each amended to read as follows:

(1) Subject to RCW 43.21A.068, with respect to such features as may affect flood conditions, the department shall have authority to examine, approve, or reject designs and plans for any structure or works, public or private, to be erected or built or to be reconstructed or modified upon the banks or in or over the channel or over and across the floodway of any stream or body of water in this state.

(2)(a) All decisions on applications under this chapter must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(b) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

**Sec.**  RCW 70.95.205 and 1998 c 36 s 18 are each amended to read as follows:

(1) Waste-derived soil amendments that meet the standards and criteria in this section may apply for exemption from solid waste permitting as required under RCW 70.95.170. The application shall be submitted to the department in a format determined by the department or an equivalent format. The application shall include:

(a) Analytical data showing that the waste-derived soil amendments meet standards established under RCW 15.54.800; and

(b) Other information deemed appropriate by the department to protect human health and the environment.

(2) After receipt of an application, the department shall review it to determine whether the application is complete, and forward a copy of the complete application to all interested jurisdictional health departments for review and comment. Within forty-five days, the jurisdictional health departments shall forward their comments and any other information they deem relevant to the department, which shall then give final approval or disapproval of the application. Every complete application shall be approved or disapproved by the department within ninety days after receipt. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application. If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

(3) The department, after providing opportunity for comments from the jurisdictional health departments, may at any time revoke an exemption granted under this section if the quality or use of the waste-derived soil amendment changes or the management, storage, or end use of the waste-derived soil amendment constitutes a threat to human health or the environment.

(4) Any aggrieved party may appeal the determination by the department in subsection (2) or (3) of this section to the pollution control hearings board.

**Sec.**  RCW 15.54.820 and 1998 c 36 s 16 are each amended to read as follows:

(1) After receipt from the department of the completed application required by RCW 15.54.325, the department of ecology shall evaluate whether the use of the proposed waste-derived fertilizer or the micronutrient fertilizer as defined in RCW 15.54.270 is consistent with the following:

(a) Chapter 70.95 RCW, the solid waste management act;

(b) Chapter 70.105 RCW, the hazardous waste management act; and

(c) 42 U.S.C. Sec. 6901 et seq., the resource conservation and recovery act.

(2) The department of ecology shall apply the standards adopted in RCW 15.54.800. If more stringent standards apply under chapter 173-303 WAC for the same constituents, the department of ecology must use the more stringent standards.

(3) Within sixty days of receiving the completed application, the department of ecology shall advise the department as to whether the application complies with the requirements of subsections (1) and (2) of this section. In making a determination, the department of ecology shall consult with the department of health and the department of labor and industries.

(4) A party aggrieved by a decision of the department of ecology to issue a written approval under this section or to deny the issuance of such an approval may appeal the decision to the pollution control hearings board within thirty days of the decision. Review of such a decision shall be conducted in accordance with either subsection (5) of this section or with chapter 43.21B RCW((~~.~~)), with any subsequent appeal of a decision of the hearings board ((~~shall be~~)) obtained in accordance with RCW 43.21B.180.

(5)(a) All decisions on applications under this chapter must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(b) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

**Sec.**  RCW 43.21C.033 and 1995 c 347 s 422 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, the responsible official shall make a threshold determination on a completed application within ninety days after the application and supporting documentation are complete. The applicant may request an additional thirty days for the threshold determination. The governmental entity responsible for making the threshold determination shall by rule, resolution, or ordinance adopt standards, consistent with rules adopted by the department to implement this chapter, for determining when an application and supporting documentation are complete.

(b) If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application. If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

(2) Subsection (1)(a) of this section shall not apply to a city, town, or county that:

(a) By ordinance adopted prior to April 1, 1992, has adopted procedures to integrate permit and land use decisions with the requirements of this chapter; or

(b) Is planning under RCW 36.70A.040 ((~~and is subject to the requirements of RCW 36.70B.090~~)).

**Sec.**  RCW 77.115.040 and 2011 c 339 s 37 are each amended to read as follows:

(1) All aquatic farmers, as defined in RCW 15.85.020, shall register with the department. The application fee is one hundred five dollars. The director shall assign each aquatic farm a unique registration number and develop and maintain in an electronic database a registration list of all aquaculture farms. The department shall establish procedures to annually update the aquatic farmer information contained in the registration list. The department shall coordinate with the department of health using shellfish growing area certification data when updating the registration list.

(2)(a) All decisions on registrations under this chapter must be completed and the decision returned to the applicant within ninety days of submitting the registrations. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(b) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

(3) Registered aquaculture farms shall provide the department with the following information:

(a) The name of the aquatic farmer;

(b) The address of the aquatic farmer;

(c) Contact information such as telephone, fax, web site, and e-mail address, if available;

(d) The number and location of acres under cultivation, including a map displaying the location of the cultivated acres;

(e) The name of the landowner of the property being cultivated or otherwise used in the aquatic farming operation;

(f) The private sector cultured aquatic product being propagated, farmed, or cultivated; and

(g) Statistical production data.

((~~(3)~~))(4) The state veterinarian shall be provided with registration and statistical data by the department.

NEW SECTION. **Sec.**  A new section is added to chapter 69.30 RCW to read as follows:

(1) All decisions on applications under this chapter must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(2) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

NEW SECTION. **Sec.**  A new section is added to chapter 90.64 RCW to read as follows:

(1) All decisions on applications under this chapter must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(2) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

NEW SECTION. **Sec.**  A new section is added to chapter 15.58 RCW to read as follows:

(1) All decisions on applications under this chapter must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(2) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

NEW SECTION. **Sec.**  A new section is added to chapter 17.21 RCW to read as follows:

(1) All decisions on applications under this chapter must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(2) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

**Sec.**  RCW 16.65.030 and 2003 c 326 s 65 are each amended to read as follows:

(1) No person shall operate a public livestock market without first having obtained a license from the director. Application for a license shall be in writing on forms prescribed by the director, and shall include the following:

(a) A nonrefundable original license application fee of two thousand dollars.

(b) A legal description of the property upon which the public livestock market shall be located.

(c) A complete description and blueprints or plans of the public livestock market physical plant, yards, pens, and all facilities the applicant proposes to use in the operation of such public livestock market.

(d) A financial statement, audited by a certified or licensed public accountant, to determine whether or not the applicant meets the minimum net worth requirements, established by the director by rule, to construct and/or operate a public livestock market. If the applicant is a subsidiary of a larger company, corporation, society, or cooperative association, both the parent company and the subsidiary company must submit a financial statement to determine whether or not the applicant meets the minimum net worth requirements. All financial statement information required by this subsection is confidential information and not subject to public disclosure.

(e) The schedule of rates and charges the applicant proposes to impose on the owners of livestock for services rendered in the operation of such livestock market.

(f) The weekly or monthly sales day or days on which the applicant proposes to operate his or her public livestock market sales and the class of livestock that may be sold on these days.

(g) Projected source and quantity of livestock anticipated to be handled.

(h) Projected gross dollar volume of business to be carried on, at, or through the public livestock market during the first year's operation.

(i) Facts upon which is based the conclusion that the trade area and the livestock industry will benefit because of the proposed market.

(j) Other information as the director may require by rule.

(2) If the director determines that the applicant meets all the requirements of subsection (1) of this section, the director shall conduct a public hearing as provided by chapter 34.05 RCW, and shall grant or deny an application for original license for a public livestock market after considering evidence and testimony relating to the requirements of this section and giving reasonable consideration to:

(a) Benefits to the livestock industry to be derived from the establishment and operation of the public livestock market proposed in the application;

(b) The geographical area that will be affected;

(c) The conflict, if any, with sales days already allocated in the area;

(d) The amount and class of livestock available for marketing in the area;

(e) Buyers available to the proposed market; and

(f) Any other conditions affecting the orderly marketing of livestock.

(3) Before a license is issued to operate a public livestock market, the applicant must:

(a) Execute and deliver to the director a surety bond as required under RCW 16.65.200;

(b) Provide evidence of a custodial account, as required under RCW 16.65.140, for the consignor's proceeds;

(c) Pay the appropriate license fee; and

(d) Provide other information required under this chapter and rules adopted under this chapter.

(4)(a) All decisions under this section must be completed and the decision returned to the applicant within ninety days of submitting the registrations. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(b) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

NEW SECTION. **Sec.**  A new section is added to chapter 70.95J RCW to read as follows:

(1) All decisions on applications under this chapter must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(2) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

**Sec.**  RCW 70.119A.110 and 2011 c 102 s 1 are each amended to read as follows:

(1) No person may operate a group A public water system unless the person first submits an application to the department and receives an operating permit as provided in this section. A new application must be submitted upon any change in ownership of the system.

(2) The department may require that each application include the information that is reasonable and necessary to determine that the system complies with applicable standards and requirements of the federal safe drinking water act, state law, and rules adopted by the department or by the state board of health.

(3)(a) Following its review of the application, its supporting material, and any information received by the department in its investigation of the application, the department shall issue or deny the operating permit. The department shall act on initial permit applications as expeditiously as possible, and shall in all cases either grant or deny the application within ((~~one hundred twenty~~))ninety days of receipt of the application or of any supplemental information required to complete the application.

(b) The applicant for a permit shall be entitled to two different appeals pathways:

(i) The applicant may file an appeal in accordance with chapter 34.05 RCW if the department denies the initial or subsequent applications or imposes conditions or requirements upon the operator. Any operator of a public water system that requests a hearing may continue to operate the system until a decision is issued after the hearing.

(ii) In the alternative, if the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application. If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

(4) At the time of initial permit application or at the time of permit renewal the department may impose such permit conditions, requirements for system improvements, and compliance schedules as it determines are reasonable and necessary to ensure that the system will provide a safe and reliable water supply to its users.

(5) Operating permits shall be issued for a term of one year, and shall be renewed annually, unless the operator fails to apply for a new permit or the department finds good cause to deny the application for renewal.

(6) Each application shall be accompanied by an annual fee.

(7) The department shall adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this section.

(8) The department shall establish by rule categories of annual operating permit fees based on system size, complexity, and number of service connections. Fees charged must be sufficient to cover, but may not exceed, the costs to the department of administering a program for safe and reliable drinking water. The department shall use operating permit fees to monitor and enforce compliance by group A public water systems with state and federal laws that govern planning, water use efficiency, design, construction, operation, maintenance, financing, management, and emergency response.

(9) The annual per-connection fee may not exceed one dollar and fifty cents. The department shall phase-in implementation of any annual fee increase greater than ten percent, and shall establish the schedule for implementation by rule. Rules established by the department prior to 2020 must limit the annual operating permit fee for any public water system to no greater than one hundred thousand dollars.

(10) The department shall notify existing public water systems of the requirements of RCW 70.119A.030, 70.119A.060, and this section at least one hundred twenty days prior to the date that an application for a permit is required pursuant to RCW 70.119A.030, 70.119A.060, and this section.

(11) The department shall issue one operating permit to any approved satellite system management agency. Operating permit fees for approved satellite system management agencies must be established by the department by rule. Rules established by the department must set a single fee based on the total number of connections for all group A public water systems owned by a satellite management agency.

(12) For purposes of this section, "group A public water system" and "system" mean those water systems with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections.

**Sec.**  RCW 90.03.350 and 1995 c 8 s 6 are each amended to read as follows:

(1) Except as provided in RCW 43.21A.068, any person, corporation or association intending to construct or modify any dam or controlling works for the storage of ten acre feet or more of water, shall before beginning said construction or modification, submit plans and specifications of the same to the department for examination and approval as to its safety. Such plans and specifications shall be submitted in duplicate, one copy of which shall be retained as a public record, by the department, and the other returned with its approval or rejection endorsed thereon. No such dam or controlling works shall be constructed or modified until the same or any modification thereof shall have been approved as to its safety by the department. Any such dam or controlling works constructed or modified in any manner other than in accordance with plans and specifications approved by the department or which shall not be maintained in accordance with the order of the department shall be presumed to be a public nuisance and may be abated in the manner provided by law, and it shall be the duty of the attorney general or prosecuting attorney of the county wherein such dam or controlling works, or the major portion thereof, is situated to institute abatement proceedings against the owner or owners of such dam or controlling works, whenever he or she is requested to do so by the department.

(2) A metals mining and milling operation regulated under chapter 232, Laws of 1994 is subject to additional dam safety inspection requirements due to the special hazards associated with failure of a tailings pond impoundment. The department shall inspect these impoundments at least quarterly during the project's operation and at least annually thereafter for the postclosure monitoring period in order to ensure the safety of the dam or controlling works. The department shall conduct additional inspections as needed during the construction phase of the mining operation in order to ensure the safe construction of the tailings impoundment.

(3)(a) All decisions on plan applications under this section must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(b) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

**Sec.**  RCW 90.03.370 and 2003 c 329 s 1 are each amended to read as follows:

(1)(a) All applications for reservoir permits are subject to the provisions of RCW 90.03.250 through 90.03.320. But the party or parties proposing to apply to a beneficial use the water stored in any such reservoir shall also file an application for a permit, to be known as the secondary permit, which shall be in compliance with the provisions of RCW 90.03.250 through 90.03.320. Such secondary application shall refer to such reservoir as its source of water supply and shall show documentary evidence that an agreement has been entered into with the owners of the reservoir for a permanent and sufficient interest in said reservoir to impound enough water for the purposes set forth in said application. When the beneficial use has been completed and perfected under the secondary permit, the department shall take the proof of the water users under such permit and the final certificate of appropriation shall refer to both the ditch and works described in the secondary permit and the reservoir described in the primary permit. The department may accept for processing a single application form covering both a proposed reservoir and a proposed secondary permit or permits for use of water from that reservoir.

(b) The department shall expedite processing applications for the following types of storage proposals:

(i) Development of storage facilities that will not require a new water right for diversion or withdrawal of the water to be stored;

(ii) Adding or changing one or more purposes of use of stored water;

(iii) Adding to the storage capacity of an existing storage facility; and

(iv) Applications for secondary permits to secure use from existing storage facilities.

(c) A secondary permit for the beneficial use of water shall not be required for use of water stored in a reservoir where the water right for the source of the stored water authorizes the beneficial use.

(2)(a) All decisions on applications under this section must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the application.

(b) If the application is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

(3)(a) For the purposes of this section, "reservoir" includes, in addition to any surface reservoir, any naturally occurring underground geological formation where water is collected and stored for subsequent use as part of an underground artificial storage and recovery project. To qualify for issuance of a reservoir permit an underground geological formation must meet standards for review and mitigation of adverse impacts identified, for the following issues:

(i) Aquifer vulnerability and hydraulic continuity;

(ii) Potential impairment of existing water rights;

(iii) Geotechnical impacts and aquifer boundaries and characteristics;

(iv) Chemical compatibility of surface waters and groundwater;

(v) Recharge and recovery treatment requirements;

(vi) System operation;

(vii) Water rights and ownership of water stored for recovery; and

(viii) Environmental impacts.

(b) Standards for review and standards for mitigation of adverse impacts for an underground artificial storage and recovery project shall be established by the department by rule. Notwithstanding the provisions of RCW 90.03.250 through 90.03.320, analysis of each underground artificial storage and recovery project and each underground geological formation for which an applicant seeks the status of a reservoir shall be through applicant-initiated studies reviewed by the department.

((~~(3)~~))(4) For the purposes of this section, "underground artificial storage and recovery project" means any project in which it is intended to artificially store water in the ground through injection, surface spreading and infiltration, or other department-approved method, and to make subsequent use of the stored water. However, (a) this subsection does not apply to irrigation return flow, or to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of claimed artificial recharge occurring due to the construction, operation, or maintenance of an irrigation district project or operational and seepage losses that occur during the irrigation of land, as well as other forms of claimed artificial recharge already existing at the time a groundwater subarea is established.

((~~(4)~~))(5) Nothing in chapter 98, Laws of 2000 changes the requirements of existing law governing issuance of permits to appropriate or withdraw the waters of the state.

((~~(5)~~))(6) The department shall report to the legislature by December 31, 2001, on the standards for review and standards for mitigation developed under subsection ((~~(3)~~))(4) of this section and on the status of any applications that have been filed with the department for underground artificial storage and recovery projects by that date.

((~~(6)~~))(7) Where needed to ensure that existing storage capacity is effectively and efficiently used to meet multiple purposes, the department may authorize reservoirs to be filled more than once per year or more than once per season of use.

((~~(7)~~))(8) This section does not apply to facilities to recapture and reuse return flow from irrigation operations serving a single farm under an existing water right as long as the acreage irrigated is not increased beyond the acreage allowed to be irrigated under the water right.

((~~(8)~~))(9) In addition to the facilities exempted under subsection ((~~(7)~~))(8) of this section, this section does not apply to small irrigation impoundments. For purposes of this section, "small irrigation impoundments" means lined surface storage ponds less than ten acre feet in volume used to impound irrigation water under an existing water right where use of the impoundment: (a)(i) Facilitates efficient use of water; or (ii) promotes compliance with an approved recovery plan for endangered or threatened species; and (b) does not expand the number of acres irrigated or the annual consumptive quantity of water used. Such ponds must be lined unless a licensed engineer determines that a liner is not needed to retain water in the pond and to prevent groundwater contamination. Although it may also be composed of other materials, a properly maintained liner may be composed of bentonite. Water remaining in a small irrigation impoundment at the end of an irrigation season may be carried over for use in the next season. However, the limitations of this subsection ((~~(8)~~))(9) apply. Development and use of a small irrigation impoundment does not constitute a change or amendment for purposes of RCW 90.03.380 or 90.44.055.

**Sec.**  RCW 90.58.140 and 2012 c 84 s 2 are each amended to read as follows:

(1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.

(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and this chapter.

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection (11) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that notice of the application is given by at least one of the following methods:

(a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

(b) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

(c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application as expeditiously as possible after the issuance of the decision, may submit the comments or requests for decisions to the local government within thirty days of the last date the notice is to be published pursuant to this subsection. The local government shall forward, in a timely manner following the issuance of a decision, a copy of the decision to each person who submits a request for the decision.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until twenty-one days from the date the permit decision was filed as provided in subsection (6) of this section; or until all review proceedings are terminated if the proceedings were initiated within twenty-one days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

(b)(i) In the case of any permit or decision to issue any permit to the state of Washington, department of transportation, for the replacement of the floating bridge and landings of the state route number 520 Evergreen Point bridge on or adjacent to Lake Washington, the construction may begin twenty-one days from the date of filing. Any substantial development permit granted for the floating bridge and landings is deemed to have been granted on the date that the local government's decision to grant the permit is issued. This authorization to construct is limited to only those elements of the floating bridge and landings that do not preclude the department of transportation's selection of a four-lane alternative for state route number 520 between Interstate 5 and Medina. Additionally, the Washington state department of transportation shall not engage in or contract for any construction on any portion of state route number 520 between Interstate 5 and the western landing of the floating bridge until the legislature has authorized the imposition of tolls on the Interstate 90 floating bridge and/or other funding sufficient to complete construction of the state route number 520 bridge replacement and HOV program. For the purposes of this subsection (5)(b), the "western landing of the floating bridge" means the least amount of new construction necessary to connect the new floating bridge to the existing state route number 520 and anchor the west end of the new floating bridge;

(ii) Nothing in this subsection (5)(b) precludes the shorelines hearings board from concluding that the project or any element of the project is inconsistent with the goals and policies of the shoreline management act or the local shoreline master program;

(iii) This subsection (5)(b) applies retroactively to any appeals filed after January 1, 2012, and to any appeals filed on or after March 23, 2012, and expires June 30, 2014.

(c) Except as authorized in (b) of this subsection, construction may be commenced no sooner than thirty days after the date of the appeal of the board's decision is filed if a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within twenty-one days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW. The appellant may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board should not commence. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would involve a significant, irreversible damaging of the environment, the court shall prohibit the permittee from commencing the construction pursuant to the approved or revised permit until all review proceedings are final. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;

(d) Except as authorized in (b) of this subsection, if the permit is for a substantial development meeting the requirements of subsection (11) of this section, construction pursuant to that permit may not begin or be authorized until twenty-one days from the date the permit decision was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to (a), (b), (c), or (d) of this subsection, the construction is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. This shall be accomplished by return receipt requested mail. A petition for review of such a decision must be commenced within twenty-one days from the date of filing of the decision.

(a) With regard to a permit other than a permit governed by subsection (10) of this section, "date of filing" as used in this section refers to the date of actual receipt by the department of the local government's decision.

(b) With regard to a permit for a variance or a conditional use governed by subsection (10) of this section, "date of filing" means the date the decision of the department is transmitted by the department to the local government.

(c) When a local government simultaneously transmits to the department its decision on a shoreline substantial development with its approval of either a shoreline conditional use permit or variance, or both, "date of filing" has the same meaning as defined in (b) of this subsection.

(d) The department shall notify in writing the local government and the applicant of the date of filing by telephone or electronic means, followed by written communication as necessary, to ensure that the applicant has received the full written decision.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(10) Any permit for a variance or a conditional use issued with approval by a local government under their approved master program must be submitted to the department for its approval or disapproval.

(11)(a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:

(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (a)(i) of this subsection; and

(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(b) For purposes of this section, a limited utility extension means the extension of a utility service that:

(i) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

(ii) Will serve an existing use in compliance with this chapter; and

(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state.

(12)(a) All decisions on permits under this section must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the permit.

(b) If the permit is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

**Sec.**  RCW 70.118B.030 and 2007 c 343 s 4 are each amended to read as follows:

(1) A person may not install or operate a large on-site sewage system without an operating permit as provided in this chapter after July 1, 2009. The owner of the system is responsible for obtaining a permit.

(2) The department shall issue operating permits in accordance with the rules adopted under RCW 70.118B.040.

(3) The department shall ensure the system meets all applicable siting, design, construction, and installation requirements prior to issuing an initial operating permit. Prior to renewing an operating permit, the department may review the performance of the system to determine compliance with rules and any permit conditions.

(4) At the time of initial permit application or at the time of permit renewal the department shall impose those permit conditions, requirements for system improvements, and compliance schedules as it determines are reasonable and necessary to ensure that the system will be operated and maintained properly. Each application must be accompanied by a fee as established in rules adopted by the department.

(5) Operating permits shall be issued for a term of one year, and shall be renewed annually, unless the operator fails to apply for a new permit or the department finds good cause to deny the application for renewal.

(6) Each permit may be issued only for the site and owner named in the application. Permits are not transferable or assignable except with the written approval of the department.

(7) The department may deny an application for a permit or modify, suspend, or revoke a permit in any case in which it finds that the permit was obtained by fraud or there is or has been a failure, refusal, or inability to comply with the requirements of this chapter or the standards or rules adopted under this chapter. RCW 43.70.115 governs notice of denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding to the permit applicant or permittee.

(8) For systems with design flows of more than fourteen thousand five hundred gallons per day, the department shall adopt rules to ensure adequate public notice and opportunity for review and comment on initial large on-site sewage system permit applications and subsequent permit applications to increase the volume of waste disposal or change effluent characteristics. The rules must include provisions for notice of final decisions. Methods for providing notice may include electronic mail, posting on the department's internet site, publication in a local newspaper, press releases, mailings, or other means of notification the department determines appropriate.

(9) A person aggrieved by the issuance of an initial permit, or by the issuance of a subsequent permit to increase the volume of waste disposal or to change effluent characteristics, for systems with design flows of more than fourteen thousand five hundred gallons per day, has the right to an adjudicative proceeding. The application for an adjudicative proceeding must be in writing, state the basis for contesting the action, include a copy of the decision, be served on and received by the department within twenty-eight days of receipt of notice of the final decision, and be served in a manner that shows proof of receipt. An adjudicative proceeding conducted under this subsection is governed by chapter 34.05 RCW.

(10) Any permit issued by the department of ecology for a large on‑site sewage system under chapter 90.48 RCW is valid until it first expires after July 22, 2007. The system owner shall apply for an operating permit at least one hundred twenty days prior to expiration of the department of ecology permit.

(11) Systems required to meet operator certification requirements under chapter 70.95B RCW must continue to meet those requirements as a condition of the department operating permit.

(12)(a) All decisions on permits under this section must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the permit.

(b) If the permit is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

NEW SECTION. **Sec.**  A new section is added to chapter 90.66 RCW to read as follows:

(1) All decisions on permits or transfers under this section must be completed and the decision returned to the applicant within ninety days of submitting the application. If the ninety-day deadline is not satisfied, the applicant may file a motion in the appropriate superior court requesting court approval of the permit.

(2) If the permit is denied either within or after the ninety-day decision period, the applicant may file a motion in the appropriate superior court requesting the court to overturn the decision. This subsection applies notwithstanding, and as an alternative to, any other provision of law establishing appeal procedures. Applicants choosing to utilize this appeal authority are deemed to have satisfied all administrative remedies.

**PART VIII**

NEW SECTION. **Sec.**  A new section is added to chapter 34.05 RCW to read as follows:

(1) Agencies must provide to any business licensed to do business in the state of Washington a period of at least five business days to correct any violation of state law or agency rule before the agency may impose any fines, civil penalties, or administrative sanctions. If no correction is possible, this subsection does not apply.

(2) Exceptions to requirements of subsection (1) of this section may be made for any of the following reasons:

(a) The agency head determines that the effect of the violation or waiver presents a direct danger to the public health, poses a potentially significant threat to human health or safety, or causes serious harm to the public interest;

(b) The order is one to cease and desist an activity that violates a statute or rule protecting public health or safety, the environment, or would cause serious harm to the public interest;

(c) The violation involves a knowing or willful violation;

(d) The violation is of a requirement concerning the assessment, collection, or administration of any tax, tax program, debt, revenue, receipt, a regulated entity's financial filings, or insurance rate or form filing;

(e) The requirements in this section are in conflict with federal law or program requirements, federal requirements that are a prescribed condition to the allocation of federal funds to the state, or the requirements for eligibility of employers in this state for federal unemployment tax credits, as determined by the agency head;

(f) The business committing the violation previously violated the exact or substantially similar requirement; or

(g) The owner or operator of the business committing the violation owns or operates, or owned or operated a different business that previously violated a substantially similar requirement.

(3) This section does not prohibit an agency from waiving fines, civil penalties, or administrative sanctions incurred by a business for a violation.

(4) This section may be construed to diminish the responsibility for any citizen or business to apply for and obtain a permit, license, or authorizing document that is required to engage in a regulated activity, or otherwise comply with state or federal law.

(5) This section may not be construed to apply to businesses required to provide accurate and complete information and documentation in relation to any claim for payment of state or federal funds or who are licensed or certified to provide care and services to vulnerable adults or children.

(6) This section does not affect the attorney general's authority to impose fines, civil penalties, or administrative sanctions as otherwise authorized by law; nor does this section affect the attorney general's authority to enforce the consumer protection act, chapter 19.86 RCW.

**PART IX**

NEW SECTION. **Sec.**  The legislature finds that property owners are finding increasing restrictions placed on their property in the name of the public good without just compensation. Many government agencies expect the property owner to pay for and accept the burdens placed on them by government statutes, ordinances, regulations, policies, and permitting requirements that provide a benefit to someone other than the property owner at the property owner's expense.

NEW SECTION. **Sec.**  A new section is added to chapter 36.70A RCW to read as follows:

(1) Government authorities must provide just compensation to property owners whenever land use ordinances, regulations, or policies adopted pursuant to requirements in this chapter or as part of a land use permitting decision require the property owner to:

(a) Place any form of signage on their property related to provisions in this chapter or ordinances adopted to comply with this chapter or associated regulations;

(b) Pay for and place fencing around critical areas, open space, habitat areas, riparian areas, or other property features;

(c) Record restrictive covenants, land use designations, or change any legal lot description on the property;

(d) Restore vegetation in a location where no vegetation existed during the time the property owner owned the property or vegetation degraded through natural causes;

(e) Make expenditures in furtherance of protecting the function and values of wetlands;

(f) Make any expenditure in furtherance of protecting the function and values of riparian areas; or

(g) Grant or set aside easements for public access on the property.

(2) Unless under the authority of a specific statutory requirement, a state agency may not adopt a rule or policy that results in any governmental authority being required to provide just compensation under this section.

**Sec.**  RCW 36.70B.030 and 1995 c 347 s 404 are each amended to read as follows:

(1) Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of applicable regulations the adopted comprehensive plan, under RCW 36.70B.040 shall incorporate the determinations under this section.

(2) During project review, a local government or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations the adopted comprehensive plan. At a minimum, such applicable regulations or plans shall be determinative of the:

(a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;

(b) Density of residential development in urban growth areas; and

(c) Availability and adequacy of public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by chapter 36.70A RCW.

(3) During project review, the local government or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in subsection (2) of this section, except for issues of code interpretation. As part of its project review process, a local government shall provide a procedure for obtaining a code interpretation as provided in RCW 36.70B.110.

(4)(a) Pursuant to RCW 43.21C.240, a local government may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply.

(b) Local governments may not require without just compensation that property owners: (i) Place any form of signage on their property; (ii) pay for and place fencing around critical areas, open space, habitat areas, or other government designated property attributes; (iii) record restrictive covenants, land use designations, or change any legal lot description on the property; (iv) restore vegetation in locations where no vegetation existed during the time the property owner owned the land or the vegetation degraded due to natural causes; (v) make any expenditure in furtherance of protective measures for the function and values of wetlands or riparian areas; or (vi) grant or set aside easements for public access on the property.

(5) Except under subsection (4)(b) of this section, nothing in this section limits the authority of a permitting agency to approve, condition, or deny a project as provided in its development regulations adopted under chapter 36.70A RCW and in its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, transportation demand management, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable.

(6) Subsections (1) through (4) of this section apply only to local governments planning under RCW 36.70A.040.

**PART X**

NEW SECTION. **Sec.**  PURPOSE—INTENT. The purpose of this chapter is to establish as state law the basis and process for determining how proposed changes to resource management and land use policy, rules, regulation, and/or management affect customs, culture, economic stability, and private property rights in Washington state. Additionally, the purpose of this chapter is to establish how state and federal agencies are to coordinate and consult with local governmental agencies in actions affecting land and natural resource use.

This chapter is written to implement RCW 36.70A.103 of the growth management act, which requires state agencies to comply with local development regulations. In addition, this chapter implements chapter 43.21H RCW, state economic policy.

This chapter is intended to address federal and state agency regulation of land and natural resource use directly and is intended to be used as a positive guide for federal and state agencies in their development and implementation of regulations affecting land and natural resources use in Washington state.

NEW SECTION. **Sec.**  DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Just compensation" means compensation equal to the full extent of a property owner's loss, including the fair market value of the private property taken and business losses arising from government action, whether the taking is by physical occupation or through regulation, exaction, or other means and includes compounded interest calculated from the date of the taking until the date payment is tendered.

(3) "Owner" means the owner or possessor of property or rights in property at the time the taking occurs, including when the statute, regulation, rule, order, guideline, policy, or action is passed or promulgated or the permit, license, authorization, or governmental permission is denied or suspended.

(4) "Private property" or "property" means all property protected under the fifth amendment to the United States Constitution and the third and sixteenth sections of the Declaration of Rights of the Washington state Constitution (Article I, sections 3 and 16 of the state Constitution), any applicable state law, or this chapter, and including but not limited to any of the following:

(a) Real property, whether vested or unvested, including estates in fee, life estates, estates for years, or otherwise; inchoate interests in real property such as remainders and future interests; personality that is affixed to or appurtenant to real property; easements; leaseholds; recorded liens; and contracts or other security interests in, or related to, real property;

(b) The right to use water or the right to receive water, including any recorded lines on such water right;

(c) Rents, issues, and profits of land, including minerals, timber, fodder, crops, oil and gas, coal, or geothermal energy;

(d) Property rights provided by, or memorialized in, a contract;

(e) Any interest defined as property under state law; and

(f) Any interest understood to be property based on custom, usage, common law, or mutually reinforcing understandings sufficiently well-grounded in law to back a claim of interest.

(5) "Taking of private property" or "taking" or "take" means any action whereby private property is directly taken by government action as to require compensation under the fifth amendment to the United States Constitution and the third and sixteenth sections of the Declaration of Rights of the Washington state Constitution (Article I, sections 3 and 16 of the state Constitution) or under this chapter, including by physical invasion, regulation, exaction, condition, or other means and does not include a condemnation action filed by government in an applicable court or an action filed by government relating to criminal forfeiture.

NEW SECTION. **Sec.**  PRIVATE PROPERTY TAKING IMPACT ANALYSIS. (1) To the fullest extent possible, the policies, regulations, and public laws of the United States and the state of Washington shall be interpreted and administered by agencies in accordance with the policies under this chapter. All state agencies shall complete a private property taking impact analysis before issuing or promulgating any rule, policy, regulation, or related agency action which is likely to result in a taking of private property. The provisions of this subsection shall not apply to an action in which the power of eminent domain is formally exercised or a law enforcement action, including seizure of property for forfeiture or as evidence, for a violation of law.

(2) A private property taking impact analysis is a written statement that includes:

(a) The specific purpose of the rule, ordinance, policy, regulation, proposal, recommendation, or related agency action;

(b) An assessment of the likelihood that a taking of private property will occur under the rule, ordinance, policy, regulation, proposal, recommendation, or related agency action;

(c) An evaluation of whether the rule, ordinance, policy, regulation, proposal, recommendation, or related agency action is likely to require compensation to private property owners;

(d) Alternatives to the rule, policy, regulation, proposal, recommendation, or related agency action that would achieve the intended purposes of the agency action and lessen the likelihood that a taking of private property will occur;

(e) An estimate of the potential liability of the agency, if the agency is required to compensate a private property owner; and

(f) For state agencies, if the rule, policy, regulation, proposal, recommendation, or related agency action is in response to a federal mandate, the name of the federal agency responsible for the policy, regulation, proposal, recommendation, or related action.

(3) Each agency shall provide an analysis as part of any proposed rule, ordinance, policy, regulation, proposal, recommendation, or related agency action and submit the analysis to the board of county commissioners, in affected jurisdictions, in conjunction with a proposed rule, policy, regulation, proposal, recommendation, or related action prior to adoption.

(4) No final rule may be promulgated if enforcement of the rule could reasonably be construed to require an uncompensated taking of private property as defined by this chapter.

NEW SECTION. **Sec.**  ECONOMIC IMPACT ANALYSIS. (1) All state agencies shall complete an economic impact analysis before issuing or promulgating any policy, regulation, proposed legislation, or related department action which may economically impact the citizens of Washington state.

(2) An economic impact analysis is a written statement that includes:

(a) The specific purpose of the rule, policy, regulation, legislative bill, proposal, recommendation, or related agency action;

(b) An assessment of the economic impacts likely to occur as a result of the rule, policy, regulation, proposal, legislative bill, recommendation, or related agency action. The economic assessment shall consider impacts to individual property owners, impacts to the affected jurisdictions economy and impacts to the state's general fund;

(c) Alternatives to the rule, policy, regulation, proposal, recommendation, or related agency action that would achieve the intended purpose and lessen the economic impacts that are likely to occur;

(d) For state agencies, if the rule, policy, regulation, proposal, recommendation, or related agency action is in response to a federal mandate, the name of the federal agency responsible for the policy, regulation, proposal, recommendation.

(3) State agencies shall provide an analysis as part of any proposed rule, policy, regulation, proposal, recommendation, or related agency action and submit the analysis to the board of county commissioners, in affected jurisdictions, in conjunction with a proposed rule, policy, regulation, proposal, recommendation, or related action prior to adoption.

NEW SECTION. **Sec.**  PUBLIC AVAILABILITY OF ANALYSIS. An agency shall make each private property taking impact analysis, economic impact analysis, or both, available to the public.

NEW SECTION. **Sec.**  ENFORCEMENT. (1)(a) In addition to other remedies provided by law, any person likely to be aggrieved or adversely effected by the failure of an agency to perform a private property taking impact analysis or economic impact analysis under this section may apply to the superior court of the county where the agency is located or to the superior court of Thurston county if the defendant is a state agency. The superior court shall have jurisdiction to hold a prompt hearing where petitioners may show cause that the agency failed to adequately provide a private property taking impact analysis or economic impact analysis and is authorized to grant a temporary or permanent injunction restraining any person, agency, or all agencies from implementing or enforcing rules where the agency analysis was not done or was insufficient.

(b) A person is aggrieved or adversely affected within the meaning of this section if:

(i) The agency action has prejudiced or is likely to prejudice that person; and

(ii) That person's asserted interests are among those that the agency was required to consider when it engaged in the agency action challenged.

(c) An analysis is insufficient for purposes of this section if:

(i) The analysis is not supported by substantial evidence or evidence pertinent to Washington state; or

(ii) The facts presented by the petitioning party with regard to his or her property clearly indicate a mistake of law or fact was made and implementation or enforcement of the regulation would cause substantial injustice.

(2) An order restraining any person, agency, or all agencies may contain provision for the payment of pertinent court costs and reasonable attorneys' fees and administration expenses as is equitable and the court deems appropriate in the circumstances.

(3) If the court issues an order restraining the implementation or enforcement of a state agency regulation as it applies to individuals not parties to the litigation, the court must send the order to the code reviser's office to be published in the Washington State Register.

(4) The petitioner does not have to exhaust administrative remedies prior to seeking a court order under this section.

(5) Nothing in this section may be construed to limit any remedy that any person may have under the laws of the state of Washington or of the United States.

(6) Every agency, who under color of any law, statute, rule, ordinance, or regulation, subjects or causes to be subjected, any person within Washington state to the deprivation of any property rights secured by this chapter is liable to the person injured in an action at law, suit in equity or other legal proceeding for redress.

(7) Any agency employee, under the color of law, statute, rule, ordinance, regulation, policy, custom or omission, subjects any person in Washington state to the deprivation of any property rights secured or protected by this chapter, whether willfully or from negligence, is in violation of this chapter and may be fined up to one thousand dollars per occurrence of a violation.

NEW SECTION. **Sec.**  A new section is added to chapter 36.70A RCW to read as follows:

The provisions of chapter 34.--- RCW (the new chapter created in section 1103 of this act) apply to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 43.21H RCW to read as follows:

The provisions of chapter 34.--- RCW (the new chapter created in section 1103 of this act) apply to this chapter.

**PART XI**

NEW SECTION. **Sec.**  Sections 501 and 502 of this act constitute a new chapter in Title 1 RCW.

NEW SECTION. **Sec.**  Sections 608 and 609 of this act constitute a new chapter in Title 36 RCW.

NEW SECTION. **Sec.**  Sections 1001 through 1006 of this act constitute a new chapter in Title 34 RCW.

NEW SECTION. **Sec.**  If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec.**  Sections 101 through 106 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**--- END ---**